

# PLANNING COMMISSION REPORT



Meeting Date: December 8, 2010  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## **ACTION**

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### **Medical Marijuana Text Amendment 8-TA-2010**

#### **Request to consider the following:**

1. Recommend that the City Council approve case 8-TA-2010, a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article I. (Administration and Procedures), Article III. (Definitions), Article V. (District Regulations), Article VI. (Supplementary Districts), and Article VII. (General Provisions), for the purpose of creating regulations related to medical marijuana (Arizona Proposition 203).

#### **Related Policies, References:**

Zoning Ordinance

## **APPLICANT CONTACT**

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City of Scottsdale  
Kira Wauwie, AICP  
480-312-7898

## **LOCATION**

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City-wide

## **BACKGROUND**

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### **Key Items for Consideration**

- This project is time sensitive; the text amendment should be effective by March 1, 2011. The City Council hearing will need to be completed by January 25, 2011.
- The City Council at their November 9, 2010 hearing approved the initiation of a Zoning Ordinance text amendment in response to Proposition 203.
- Proposition 203, medical marijuana, was approved in the 2010 General Election.
- This proposal includes the following new zoning land uses: medical marijuana dispensary, medical marijuana dispensary cultivation, medical marijuana manufacturing, medical marijuana qualifying patient caregiver cultivation, and medical marijuana qualifying patient cultivation.

### **General Plan**

The General Plan is the policy document for guiding future development in the community. Policies contained in the General Plan encourage a high-quality of development and high-level function in the community. In summary, the policies encourage the community to protect neighborhoods, enhance employment environments, and support the tourism community and tourism experience. Land use and development regulations are intended to implement and be supportive of the General Plan policies.

### **Zoning**

The existing Zoning Ordinance does not contain regulations related to medical marijuana uses.

## **APPLICANTS PROPOSAL**

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### **Goal/Purpose of Request**

The request is to create land use regulations in the Zoning Ordinance in response to Proposition 203. The proposal also includes minor text clean-up and edits which are routinely made with text amendment proposals. Examples of clean-up and edits include renumbering sections, capitalizing words, and properly punctuating the content.

### Medical Marijuana Land Uses.

The following is a summarization of the proposed medical marijuana land uses.

- 1) Medical marijuana dispensary: a land use where the primary activity is the provision of medical marijuana and its associated goods and services to a qualifying patient. This activity is not a restaurant or retail bakery; the activity is the providing of a finished good or product to the product user. Drive-through, drive-in, take-out window, activities would not be allowed.
- 2) Medical marijuana manufacturing: a land use that consists of the indoor processing of raw medical marijuana into medical marijuana products for sale and the packaging of those products.
- 3) Medical marijuana dispensary cultivation: a land use that consists of growing medical marijuana plants for an associated dispensary.
- 4) Medical marijuana qualifying patient caregiver cultivation: a land use that consists of the growing of medical marijuana plants for qualifying patients.
- 5) Medical marijuana qualifying patient cultivation: a land use that consists of the growing of medical marijuana plants by qualifying patients in their own dwelling unit and as an accessory use to the dwelling.

### Regulations for Medical Marijuana Uses.

- 6) Medical marijuana dispensary:
  - a) In support of the General Plan policies, the Zoning Ordinance was reviewed to determine the most appropriate zoning districts that would encourage a quality business environment and establish an attractive setting for medical marijuana dispensary use in the community. Some zoning districts are structured to create a built environment that is attractive and that allow medical, pharmacy, and limited retail activities. Medical office and hospital settings often impart a quality environment that establishes a foundation for business attraction, retention, and encourages creativity and higher level performance for uses that are allowed

within an office complex.

- b) Districts that allow medical offices and hospitals.
  - i) The Special Campus (SC) and the Commercial Office (C-O) districts allow medical offices and hospitals, and limited retail and other uses.
  - ii) Special Campus (SC) zoning district. This district is a unique, high quality development zoning district that is characterized by medical and office uses including hospital, health care, and research facilities. The proposal is to allow the medical marijuana dispensary use in the Special Campus (SC) district by Conditional Use Permit if the primary campus use is a hospital or medical establishment.
  - iii) Commercial Office (C-O) zoning district. This district is intended for office and related uses. Developments with Commercial Office (C-O) zoning include hospital campuses, office campuses/complexes, and individual office buildings. The proposal is to allow medical marijuana dispensary use in the Commercial Office (C-O) district by Conditional Use Permit.
  - iv) Conditional Use Permit criteria:
    - (1) The standard Conditional Use Permit criteria of noise, smoke, odor, compatibility, etc. would apply to this use.
    - (2) The medical marijuana dispensary would need to operate within a completely enclosed building.
    - (3) The proposal is to maintain a buffer between the dispensary and uses that typically are sensitive to higher intensity or objectionable uses. Therefore the use could not be located within 500 feet of a Single-family Residential District (R1-), Two-family Residential District (R-2), or Manufactured Home District (M-H) zoning district, nor within 500 feet of a public/private/charter school. Typically public parks and day care centers are considered uses that should be protected. Due to the location of existing Special Campus (SC) and Commercial Office (C-O) zoning, it was determined not to include public parks and day care centers as protected uses.
    - (4) In order to limit the impact of multiple dispensary uses a separation between specified uses is proposed. A dispensary would not be located within 1,320 feet, which is one-quarter of a mile or 2 very large city blocks – a ‘super block’ is 660-feet in length. The specified uses include another dispensary, and non-residential medical marijuana cultivation sites.
    - (5) The Proposition requires safety for these uses and assurance of proper waste disposal should be considered. Therefore the concept includes a requirement for the submittal and City approval of a safety plan and refuse plan.
    - (6) Because the use would be located within office districts, specific clarification of the use is needed. Drive-through, drive-ins, and take-out windows would not be allowed. Typical office activities begin not earlier than 6:00 a.m. and conclude in the early evening, around 7:00 p.m., limiting the dispensary hours to those hours typical of office environments makes them more like an office setting.
- 7) Medical marijuana manufacturing,
- 8) Medical marijuana dispensary cultivation, and

- 9) Medical marijuana qualifying patient caregiver cultivation:
- a) The Zoning Ordinance district most suitable for cultivation and manufacturing activities is the Industrial Park District (I-1) which is characterized by manufacturing, processing, research and development, and wholesale activities. The proposal is to require a Conditional Use Permit for the above three uses (Nos. 7, 8 and 9) of manufacturing and cultivation in the Industrial Park District (I-1).
  - b) Conditional Use Permit criteria:
    - i) The standard Conditional Use Permit criteria of noise, smoke, odor, compatibility, etc. would apply to this use.
    - ii) The proposal is to maintain a buffer between the cultivation or manufacturing uses and uses that typically are sensitive to higher intensity or objectionable uses. Therefore these uses could not be located within 500 feet of a Single-family Residential District (R1-), Two-family Residential District (R-2), or Manufactured Home District (M-H) zoning district; nor within 500 feet of a public/private/charter school. Typically public parks and day care centers are considered uses that should be protected. Due to the location of existing Industrial Park District (I-1) zoning, it was determined not to include public parks and day care centers as protected uses.
    - iii) In order to limit the impact of clustered dispensaries, cultivation, or manufacturing uses a separation between the uses is proposed. These uses would be separated by a minimum of 1,320 feet as described above in the dispensary discussion.
    - iv) The Proposition requires safety for these uses and assurance of proper waste disposal should be considered. Therefore the concept includes a requirement for the submittal and City approval of a safety plan and refuse plan.
- 10) Qualifying patient cultivation:
- a) Proposition 203 allows a qualified patient to grow their own medical marijuana. This proposal would allow the cultivation of medical marijuana by a qualifying patient in the dwelling unit within which they reside. The qualified patient cultivation activity would be an accessory use to the primary residential dwelling use in zoning districts that allow dwelling units.

#### Proposal Analysis and Justification Discussion

*Why should the use be separated from uses normally protected from nuisance or higher impact uses?*

- There may be operational activities that warrant separation of this use from protected uses. The Proposition 203 requires separation of 500 feet from schools.
- Manufacturing: areas of concern include the propensity for odor, refuse disposal, and outdoor activities.
- Cultivation: areas of concern include the propensity for odor, growing medium (soil) and other materials storage and disposal, visual aesthetics and quality of site maintenance.

*What are other considerations that might be contained in model ordinances, comparable city proposed regulations, or that the community might want to address?*

- Hours of operation.
- Separation of similar use versus clustering with or near marijuana uses.

- Eating, drinking, smoking of medical marijuana at a dispensary site.
- No drive-in or drive-through services, no take-out window service.
- Limit all medical marijuana uses to indoor uses only.
- Activities incidental to a dispensary activity such as sale of devices used to administer the marijuana, therapy services, cultivation instruction, etc.

## **IMPACT ANALYSIS**

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### **Zoning Ordinance Administration**

This proposal establishes an initially conservative approach for the regulation of medical marijuana land uses. When land uses are established in the Zoning Ordinance and subsequently implemented on properties, those uses cannot be easily removed. Thus an initially conservative approach for new and untested uses is warranted. In the future, if implementation results in reasonable justification for change to the Zoning Ordinance provisions for medical marijuana use then changes could be completed. An example of changes that could be considered in the future is consideration of combining uses. However, until the uses are tested in accordance with this report's attached proposal the need for change is uncertain.

### **Community Involvement**

Community open house meetings were held on November 29, 2010 at the One Civic Center Building conference rooms and on November 30, 2010 at the City Hall Kiva Forum. The purpose of those meetings was to provide notification and obtain community input in order to draft a Zoning Ordinance text. A 1/8 page advertisement was published and post cards were sent to the interested parties list, as notification to the community for the open house meetings. Over 100 attendees provided contact information and additional attendees were present but did not provide contact information. Staff has received numerous phone calls and some requests for individual meetings to discuss the topic. Much of the correspondence and input from the community has been from medical marijuana industry advocates and less participation has been received from Scottsdale home owners/residents.

The following types of comment were received:

- Put dispensaries in safe, inviting places where patients would want to do business.
- Do not limit the uses too much.
- Convenience and accessibility are important factors for dispensary locations.
- The uses are similar to commercial uses.
- Understand the cultivation operations – warehouses, functions.
- Security of marijuana uses is needed.
- Protect schools.
- Consider Conditional Use Permit with operational requirements.

### **Community Impact**

This proposal will put in place regulations for medical marijuana land uses in Scottsdale. These zoning regulations will give structure and performance expectations for the medical marijuana land uses. As the regulations are implemented staff will monitor and evaluate their effectiveness. The uses are new to the community and the impacts, or lack thereof, are uncertain. In addition, the medical marijuana industry could change. In the future it may be reasonable to make changes to the regulations to accommodate the findings of the monitoring and evaluation process.

The Arizona Department of Health Services rules will not be finalized until late March, 2011. However, the City's Zoning Ordinance must be in place by March 1, 2011. In order for the City's Zoning Ordinance to meet the ADHS time-line requirements, a City Council Hearing, and approval action, must be completed by January 25, 2011. If this does not occur, then an emergency clause would need to be placed with the item at the time of City Council presentation or a Zoning Administrator moratorium on the uses would be needed – but neither of these options is preferable. Therefore, the Planning Commission should take action to forward this item to the City Council and facilitate timely implementation of this Zoning Ordinance text amendment.

### **OPTIONS & STAFF RECOMMENDATION**

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#### **Recommended Approach:**

Staff recommends that the Planning Commission make a recommendation to the City Council for approval of case 8-TA-2010, a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article I. (Administration and Procedures), Article III. (Definitions), Article V. (District Regulations), Article VI. (Supplementary Districts), and Article VII. (General Provisions), for the purpose of creating regulations related to medical marijuana (Arizona Proposition 203).

### **RESPONSIBLE DEPARTMENT(S)**

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#### **Planning, Neighborhood and Transportation**

Current Planning Services

### **STAFF CONTACTS (S)**

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**APPROVED BY**

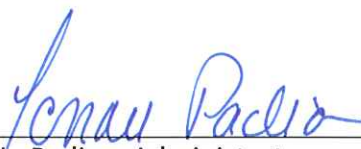
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Date

**ATTACHMENTS**

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1. Proposed Text Amendment Language
2. Summary of Proposition 203
3. Proposition 203
4. Community Involvement Report
5. Zoning Location Map

**ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA – 8-TA-2010  
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**ARTICLE I. - ADMINISTRATION AND PROCEDURES**

1. Section 1.403. [Conditional Use Permits] is amended as follows:

**Sec. 1.403. - Additional conditions for specific conditional uses.**

**A. Adult uses.**

1. In order to prevent the adverse secondary effects associated with the establishment of adult uses, including neighborhood deterioration and blight, an increase in criminal activity and diminution in surrounding property values, the issuance of all conditional use permits for adult uses shall be subject to the provisions of this ~~Section 1.403(A)~~ ~~Section 1.403.A~~. The provisions of this ~~Section 1.403(A)~~ ~~Section 1.403.A~~ shall supersede the provisions of ~~Section 1.401~~ ~~Section 1.401~~, but only as to the issuance of conditional use permits for adult uses, and ~~Section 1.401~~ ~~Section 1.401~~ shall apply to the issuance of conditional use permits for all other conditional uses.
2. A conditional use permit application for any proposed adult use shall be submitted pursuant to the provisions of ~~Section 1.300~~ ~~Section 1.300~~, including the procedures described therein for a preapplication conference and application. After the filing of a conditional use permit application for a proposed adult use, the Zoning Administrator shall, within fifteen (15) days of the filing of the application, determine if the application is complete. If the application is found to be incomplete, the Zoning Administrator shall immediately inform the applicant in writing, by certified mail of the reasons therefor. The Zoning Administrator shall process any resubmitted application in accordance with the same requirements applicable to the processing of the original application. An applicant may appeal the Zoning Administrator's determination that the application is incomplete to the City Council. Such appeal must be filed within five (5) working days of the date on which the Zoning Administrator's determination is received or returned, and shall be considered and decided by the City Council no more than twenty (20) days after the filing of the appeal.
3. No conditional use permit application for any proposed adult use shall be deemed complete unless the Zoning Administrator has determined that all of the following conditions exist:
  - a. No other adult use is located within one thousand (1,000) feet of the proposed adult use.
  - b. The proposed adult use, if established, would not be located within five hundred (500) feet of the following protected uses, provided such protected uses is established on or before the date an application for the proposed adult use is filed:
    - (1) ~~i~~ Day care center;
    - (2) ~~ii~~ Elementary, middle or secondary school;
    - (3) ~~iii~~ Instructional school;
    - (4) ~~iv~~ Vocational high school;
    - (5) ~~v~~ Public park;
    - (6) ~~vi~~ Teen dance center;
    - (7) ~~vii~~ Game center;
    - (8) ~~viii~~ Amusement park;
    - (9) ~~ix~~ Public library;

**ATTACHMENT #1**



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- (10) ~~x~~ Church, synagogue or temple; or
- (11) ~~x~~ Community buildings or recreational facility not publicly owned (such as Boys or Girls Club, YMCA, etc.).
- c. The proposed adult use, if established, would not be located within five hundred (500) feet of any of the following zoning district boundaries: R1-190, R1-130, R1-70, R1-43, R1-35, R1-18, R1-10, R1-7, R1-5, R2, R-3, R-4, R-4R, R-5, MH, S-R (if occupied as a residential use), D/ RH or any of the foregoing districts which also have a PRD, PCD or ESL designation, unless a petition requesting waiver of this requirement, signed by fifty-one (51) percent of those persons residing thirty (30) days or more within a five hundred-foot radius of the proposed location and by fifty-one (51) percent of those nongovernmental owners who own uses listed in paragraph 3.b within a five hundred-foot radius of the proposed location is received and verified by the Zoning Administrator. In such case, the City Council may waive conditions 3.b and 3.c.
- 4. For purposes of this section, streets, alleys and other thoroughfares adjacent to the zoning district boundaries specified in paragraph 3.c. shall themselves be considered within such district boundaries. With respect to any such street, alley or other thoroughfare, measurements to determine whether the proposed adult use is within five hundred (500) feet of such boundary shall be taken to the edge of such alley nearest to the proposed adult use, or to the centerline of such street or thoroughfare, or to the property line of the uses specified in Section 1.403.A.3.b. or an established adult use, unless such use is specified in Section 1.403.A.3.b. or an established adult use is part of a multi-tenant parcel, in which case the measurement shall be to the exterior building wall of the use in question. Measurement from the proposed adult use shall be taken from that portion of the proposed adult use, including projections therefrom, that is closest to the residential district, use specified in Section 1.403.A.3.b. or established adult use, unless such proposed adult use is to be part of a multi-tenant parcel, in which case the measurement shall be from the exterior building wall of the proposed adult use.
- 5. Where the conditional use permit application is determined to be complete, the Zoning Administrator shall forward the application to the secretary of the Planning Commission, who shall set days for public hearing before the Planning Commission and City Council, which dates shall be no more than thirty-five (35) and forty-five (45) calendar days, respectively, from the date of the filing of a complete application. Notice of the hearings shall be given in the same manner as provided in ~~Sections 1.605 and 1.702~~ Sections 1.605 and 1.702, respectively.
- 6. Conditional use permits shall be granted when permitted by this ordinance, unless the City Council has found that the granting of such conditional use permit would endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:
  - a. Damage or nuisance to surrounding areas arising from noise, smoke, odor, dust, vibration or illumination.
  - b. Hazards to the public health arising from the creation of a sanitary nuisance.
  - c. Illegal conduct in the areas surrounding the proposed adult use.
  - d. Adverse impacts on surrounding property resulting from an unusual volume or character or vehicular or pedestrian traffic.

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- e. Substantial and demonstrable diminution of the market value of surrounding property.
  - 7. No more than forty-five (45) days shall elapse between the filing of a complete conditional use permit application for an adult use and a determination by the City Council to grant or deny the permit, unless such delay is caused by the applicant. When denying a conditional use permit application for an adult use, the City Council shall specify each of the categories of harm set forth in Section 1.403.A.6. which it finds would be significantly increased by granting the application and the basis for such findings.
  - 8. All conditional use permits for adult uses shall be subject to the following conditions:
    - a. All exterior doors shall remain closed during business hours.
    - b. All materials, projections, entertainment or other activities involving or depicting "specific sexual activities" or "specified anatomical areas" shall not be visible from off-premise areas or from portions of an establishment accessible to minors.
    - c. Sound from projections or entertainment shall not be audible from off-premises areas. In addition, notwithstanding the provisions of ~~Section 1.401~~ **Section 1.401**, the City Council, in granting a conditional use permit for an adult use, may impose only such other conditions on the conditional use permit that would decrease the likelihood of occurrence of any of the adverse impacts listed in Section 1.403.A.6.
  - 9. An applicant whose complete application for a conditional use permit for an adult use has been denied by the City Council, or approved by the City Council, but subject to conditions unacceptable to the applicant; or whose appeal from the Zoning Administrator's determination of completeness has been denied by the City Council shall have the right to seek prompt judicial review of the City Council's decision without any requirement of seeking reconsideration from the City Council or any other administrative or legislative relief.
  - 10. Each of the provisions of this Section 1.403.A., including each of the categories of harm set forth in subsection A.6., shall be severable, and a judicial determination that any such provision is invalid on federal or state constitutional grounds, or otherwise, shall not affect the validity of:
    - (i) ~~a~~ Any other provisions; or
    - (ii) ~~b~~ Any determination by the City Council insofar as it is based on any provision not determined to be invalid.
  - 11. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- B. Automotive repair facilities.
- 1. All repairs shall be performed within a building.
  - 2. Vehicular entry to the building is from the rear of the building only, except that on a corner lot, a lot abutting a residential district, or a lot separated from a residential district by an alley, a development plan providing for vehicular access from the side of the building may be approved provided that side entry repair bays are screened from street views by solid masonry walls and landscaping. If side entry bays are proposed the applicant shall demonstrate, and the Development Review Board shall find, that the method of screening proposed does not impact the streetscape by exposing repair bays, unassembled vehicles, auto repair activities, or auto parts. In no case shall a development

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plan be approved which provides for vehicle access to the front of the building or which exposes repair bays, unassembled vehicles, auto repair activities or auto parts to any street.

3. All vehicles awaiting repair shall be screened from view by a masonry wall or approved landscape screen.

C. Banks or financial institutions.

1. The maximum gross floor area of the building shall be five thousand (5,000) square feet.
2. If the bank is to include drive-thru services there shall be a maximum of two (2) drive-thru windows.

3. Setbacks:

a. Side Yard.

- ~~1.i.~~ A side yard of not less than fifty (50) feet shall be maintained where the site of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.
- ~~2.ii.~~ A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district or an alley adjacent to a multiple-family residential district.

b. Rear Yard.

- ~~1.i.~~ A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The fifty (50) feet may include the width of the alley.
  - ~~2.ii.~~ A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district or an alley adjacent to a multiple-family district.
4. A minimum six-foot high masonry wall buffer shall be provided on all property lines that abut a residential district. The wall shall be contiguous to a minimum five-foot wide planter.

~~{C.1}~~ ~~D.~~ Bars, cocktail lounges, and/or after hours establishments.

1. The use shall not disrupt existing balance of daytime and nighttime uses.
2. The use shall not disrupt pedestrian-oriented daytime activities.
3. If the site is located within the Downtown Overlay District then:
  - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
  - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
4. If the use is located within five hundred (500) feet of a residential use or district then:
  - a. The use shall not adversely impact residential uses.
  - b. The use shall provide methods of buffering residential uses.
5. An active management and security plan shall be created, approved, implemented,

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maintained, and enforced for the business.

6. The applicant shall create a written exterior refuse control plan for approval by the City.
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
9. After hours establishments must maintain a valid after hours establishment license.

**D. Big box.**

1. To prevent adverse impacts from visual, aesthetic, and operational characteristics associated with big box and maintain the quality of life, general health, welfare, and safety of persons residing and working in Scottsdale, the issuance of all conditional use permits for big box use shall be subject to the provisions of this Section 1.403.D.
2. Remodeling or rezoning or addition to existing big box:
  - a. Nothing in this Section 1.403.D. shall be reason to deny applications to remodel an existing big box or to rezone an existing big box.
  - b. A Conditional Use Permit shall be required for any expansion of a big box beyond a cumulative 10% of the existing square feet of the big box existing at the time of the adoption of this ordinance requirement.
3. A conditional use permit application for any proposed big box shall be submitted pursuant to the provisions of Article I, Section 1.300. In addition, all big box conditional use permit applications shall comply with the following submittal requirements and provisions unless otherwise approved by the City Council.
  - a. An activity operations plan detailing characteristics of all operational activities.
  - b. An outdoor activity plan describing the location, use, and characteristics of all outdoor activities.
  - c. Service areas plan documenting hours of service area operations and activities.
  - d. Display and storage areas shall occur within enclosed walls integral to the building.
  - e. Items located within storage and display areas shall be screened from view from any single-family or multifamily residential district property.
  - f. A refuse and litter control plan.
  - g. A landscaping and buffering plan.
  - h. An outdoor lighting and mitigation plan documenting all aspects of lighting and its impacts in context with surrounding property characteristics; and how those impacts are not intrusive upon those properties. The outdoor lighting and mitigation plan shall include but is not limited to: hours of illumination, photometric analysis, and light fixture details for all lighting.
  - i. A noise control plan and mitigation plan documenting the noise impacts in context with surrounding property characteristics; and how those impacts are lessened on those properties. The noise control and mitigation plan shall be accompanied by either acoustical planning documentation for new development or acoustical retrofitting documentation for alteration of existing development.
  - j. Parking, vehicle circulation, pedestrian circulation, and transit service plans:
    - (1) Documenting impact in context with surrounding property characteristics and how

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the proposed use impacts are not intrusive upon those properties.

(2) **iii** Documenting all accessibility, safety, and convenience of access to adjacent properties.

(3) **iii** Documenting functional pedestrian scale elements and amenities.

- k. A traffic control plan including traffic generated by the use compiled into a traffic impact study and circulation study which documents how these impacts are mitigated.
- l. All structures and buildings shall be of a design character, including mass, scale, height, colors and other elements, compatible with the area in which the site is located.
- m. All site, structure, and building design shall be in substantial conformity with the Commercial Design Guidelines.
- n. All Development Review applications for big box shall be submitted for review by the Development Review Board and shall be processed with public notification requirements of ~~Section 1.605~~ Section 1.605. of this Zoning Ordinance.
- o. In addition, when deemed to be necessary because of the nature of the use and potential adverse impact on the community, other specific conditions may be imposed.

**~~E~~ **iii** Cemeteries.**

- 1. Cemeteries, including business office and storage building, shall contain a minimum of forty (40) acres, at least ten (10) acres of which shall be subdivided and developed in the initial plat. The cemetery may include accessory uses such as a chapel, a mortuary, a mausoleum, and those industrial uses which are incidental to the operation of a cemetery. Industrial uses shall include such things as the manufacture of burial vaults and headstone foundations, provided all of the products are used on the site and are not offered for sale and use elsewhere. The cemetery shall not include uses of an industrial nature other than those stated herein. Failure to receive approval of the Arizona State Real Estate Commissioner within twelve (12) months from the date of the City Council approval of the use permit shall render the use permit null and void.
- 2. The application shall include:
  - a. A certified copy of the articles of incorporation showing that a corporation has been organized and exists for the purpose of owning and developing a cemetery.
  - b. A current study showing that the ratio of available ground interment spaces to the city's population does not exceed four (4) spaces per person.
  - c. A proposed plat or map of the cemetery showing access to the cemetery from public roads; the sites of any proposed mortuary, chapel, or mausoleum structures; and a detailed landscape plan showing, particularly, any other buildings or significant structures.
- 3. The applicant must demonstrate financial responsibility to comply with all state and local laws governing the development and maintenance of a memorial park cemetery.
- 4. The applicant must demonstrate proposed cemetery will be adequately endowed for its perpetual care and maintenance to the extent that a trust fund shall be established in accordance with, and subject to, all provisions of the Arizona Revised Statutes and that said trust fund requirement be included as a covenant of the cemetery corporation in its sales agreements approved by the Arizona State Real Estate Commissioner.

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**FG** Commercial stable.

1. The minimum property size shall be ten (10) acres gross.
2. The proposed site shall not be adjacent to single-family residential properties of less than two (2) gross acres in size unless that residential property contains an equestrian trail easement along the contiguous boundary.
3. Structures or facilities used for stabling, storing, showing or training of animals, and for temporary manure storage shall be set back a minimum of one hundred (100) feet from any adjacent privately-owned property. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasture may occur within the one-hundred-foot setback area subject to the setback requirements of the applicable zoning district.
4. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.
5. All pasture and animal storage areas shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.
6. The applicant shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts in adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.
7. The owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.
8. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression.
9. There shall be no shows or other activities which would generate more traffic than is normal to a residential area, unless the proposed site has direct access from a major street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows and activities may be obtained from the City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, and accommodations for spectators, traffic and additional parking for cars and trailers. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.
10. All laws applicable to the public health must be complied with for the entire period of operation of the stable.
11. Upon renovation of the use permit or abandonment of the commercial stable operation any accessory residential structures shall be removed.

**GH** Day care center.

1. The proposed facility shall comply with all requirements of the county and state health departments.
2. A solid wall or fence, a minimum of six (6) feet high and a landscape buffer shall be provided around play areas abutting any residential zone.
3. A maximum of one-half of the area for required parking may be used as a portion of the outdoor play area. If the building changes uses, all required parking areas shall be utilized as parking.

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**H<sub>1</sub>. Hospital.**

1. The application shall include written proof the proposal meets all state and county regulations.
2. Maximum building height shall be seventy-five (75) feet.
3. A minimum of twenty-four (24) percent of the net lot area shall be provided in open space.
  - a. A minimum of three-quarters of the total open space requirement shall be provided as frontage open space to provide a setting for the building, visual continuity within the community and a variety of spaces in the streetscape. The frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than thirty (30) square feet per one (1) foot of public street frontage.
  - b. The remainder of the required open space shall be provided in common open space.
4. Yards. When the height of the building exceeds sixty (60) feet the following yard requirements shall apply. If building height is less than sixty (60) feet the district yard requirements shall apply.
  - a. Side Yard.
    - (1) A side yard of not less than one hundred (100) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The one hundred (100) feet may include the width of the alley.
    - (2) A side yard of not less than seventy-five (75) feet shall be maintained where the side lot abuts a multiple-family residential district. The seventy-five (75) feet may include any alley adjacent to the multiple-family residential district.
  - b. Rear Yard.
    - (1) A rear yard of not less than one hundred (100) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The one hundred (100) feet may include the width of the alley.
    - (2) A rear yard of not less than seventy-five (75) feet shall be maintained where the rear lot abuts a multiple-family residential district or abuts an alley which is adjacent to the multiple-family residential district. The seventy-five (75) feet may include the width of the alley.

**H<sub>2</sub>. Internalized community storage.**

1. All storage shall occur within an enclosed building with the elevators and equipment necessary to transport items for storage to internal storage units. There shall be no outside storage and no individual storage units with separate external access.
2. There shall be no storage of hazardous materials or materials which create any offensive noise, vibration, smoke, dust, odor, heat, glare, fumes or electrical interference.
3. In no case shall the net above-ground dead storage area of the structure exceed the amount equal to seventy-five hundredths (0.75) for multistory structures, or five-tenths

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(0.5) for single-story [structures], multiplied by net lot area in square feet. "Dead storage area" shall include that area in which only storage occurs and no other activity is allowed. The dead storage area shall not exceed sixty-five (65) percent of the gross floor area of the structure.

4. Above-grade volume is limited to the net lot area in square feet multiplied by nine and six-tenths (9.6) for any building.
5. If any portion of a floor of the structure is above-grade, the entire floor will be treated as above-grade for F.A.R. and volume calculations.
6. Yards.
  - a. Front Yard. There shall be a front yard having the depth of not less than twenty (20) feet where parking occurs between a building and the street as long as depressed parking, wall or berming provides for a minimum three-foot screen. Parking shall not occur within the required front yard.
  - b. Side and Rear Yard. Side and rear yards of thirty (30) feet shall be maintained abutting R-1 (single-family) districts; side and rear yards of fifteen (15) feet shall be maintained abutting R-2, R-3, R-4, R4-R, M-H (multifamily) districts. A building may be constructed on the property line abutting any other district, but if any yard is to be maintained, it shall not be less than five (5) feet in depth.
7. An apartment/office shall be permitted within the structure to allow on-premises supervision of facility operation.

**JK**. Live entertainment.

1. The site plan shall demonstrate that:
  - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
  - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
3. The applicant has provided and obtained City approval of a written public safety plan.
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with ~~section 7.600~~ **Section 7.600** of the zoning ordinance **Zoning Ordinance** and with the public safety plan guidelines.
5. The applicant shall provide and obtained City approval of a written exterior refuse control plan.
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
7. If access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, or classified by the if the establishment is located within the Downtown Area and access to the establishment is located on a street classified by the Transportation Master Plan as ~~a~~ local street or



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greater, the applicant shall provide a traffic analysis which complies with City's transportation guidelines. The traffic analysis shall demonstrate the level of service on all streets accessed by the use shall meets the City's standards.

8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the City's written guidelines.
9. The applicant has provided any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
10. The following operational standards must be met by the use throughout its operation:
  - a. All external doors shall be closed but not locked during business hours.
  - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
  - c. The applicant/operator shall comply with all plans approved as provided herein.

**L. Medical marijuana dispensary cultivation**

1. All operations are conducted within a completely enclosed building.
2. The medical marijuana dispensary cultivation site is not located within 500 feet of any of the following protected districts:
  - a. Single-family Residential District (R1-),
  - b. Two-family Residential District (R-2),
  - c. Manufactured Home District (M-H), or
  - d. Public, private, or charter school.
3. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary cultivation site from another medical marijuana dispensary cultivation site.
4. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary cultivation site from a medical marijuana dispensary site.
5. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary cultivation site from a medical marijuana qualifying patient caregiver cultivation site.
6. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary cultivation site from a medical marijuana manufacturing site.
7. All distances are measured from the exterior wall of the medical marijuana dispensary cultivation facility which is nearest to the protected or specified use(s) as indicated above, and extending to the nearest property line of the protected or specified use(s) as indicated above.
8. The applicant has provided a written exterior refuse control plan for approval by the City.
9. The applicant has provided and obtained City approval of a written public safety plan.

**M. Medical marijuana dispensary**

1. All operations are conducted within a completely enclosed building.
2. The medical marijuana dispensary site is not located within 500 feet of any of the following protected districts:
  - a. Single-family Residential District (R1-),
  - b. Two-family Residential District (R-2),
  - c. Manufactured Home District (M-H), or
  - d. Public, private, or charter school.

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3. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary site from another medical marijuana dispensary site.
4. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary site from a medical marijuana dispensary cultivation site.
5. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary site from a medical marijuana qualifying patient caregiver cultivation site.
5. There is a minimum distance of 1,320 feet separating a medical marijuana dispensary site from a medical marijuana manufacturing site.
6. All distances are measured from the exterior wall of the medical marijuana dispensary facility which is nearest to the protected or specified use(s) as indicated above, and extending to the nearest property line of the protected or specified use(s) as indicated above.
7. The applicant has provided a written exterior refuse control plan for approval by the City.
8. The applicant has provided and obtained City approval of a written public safety plan.
9. The operating hours are no earlier than 6:00 a.m. and no later than 7:00 p.m.
10. There is no drive-through service, take-out window, or drive-in service.

**N. Medical marijuana manufacturing:**

1. All operations are conducted within a completely enclosed building.
2. The medical marijuana manufacturing site is not located within 500 feet of any of the following protected districts:
  - a. Single-family Residential District (R1-),
  - b. Two-family Residential District (R-2),
  - c. Manufactured Home District (M-H), or
  - d. Public, private, or charter school.
4. There is a minimum distance of 1,320 feet separating a medical marijuana manufacturing site from another medical marijuana manufacturing site.
5. There is a minimum distance of 1,320 feet separating a medical marijuana manufacturing site from a medical marijuana dispensary site.
6. There is a minimum distance of 1,320 feet separating a medical marijuana manufacturing site from a medical marijuana dispensary cultivation site.
7. There is a minimum distance of 1,320 feet separating a medical marijuana manufacturing site from a medical marijuana qualifying patient caregiver cultivation site.
8. All distances are measured from the exterior wall of the medical marijuana manufacturing facility which is nearest to the protected or specified use(s) as indicated above, and extending to the nearest property line of the protected or specified use(s) as indicated above.
9. The applicant has provided a written exterior refuse control plan for approval by the City.
10. The applicant has provided and obtained City approval of a written public safety plan.

**O. Medical marijuana qualifying patient caregiver cultivation:**

1. All operations are conducted within a completely enclosed building.
2. The medical marijuana qualifying patient caregiver cultivation site is not located within 500 feet of any of the following protected districts:

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- a. Single-family Residential District (R1-),
  - b. Two-family Residential District (R-2),
  - c. Manufactured Home District (M-H), or
  - d. Public, private, or charter school.
3. There is a minimum distance of 1,320 feet separating a medical marijuana qualifying patient caregiver cultivation site from another medical marijuana qualifying patient caregiver cultivation site.
  4. There is a minimum distance of 1,320 feet separating a medical marijuana qualifying patient caregiver cultivation site from a medical marijuana dispensary site.
  5. There is a minimum distance of 1,320 feet separating a medical marijuana qualifying caregiver cultivation site from a medical marijuana dispensary cultivation site.
  6. There is a minimum distance of 1,320 feet separating a medical marijuana qualifying patient caregiver cultivation site from a medical marijuana manufacturing site.
  7. All distances are measured from the exterior wall of the medical marijuana qualifying patient caregiver cultivation facility which is nearest to the protected or specified use(s) as indicated above, and extending to the nearest property line of the protected or specified use(s) as indicated above.
  8. The applicant has provided a written exterior refuse control plan for approval by the City.
  9. The applicant has provided and obtained City approval of a written public safety plan.

**K<sub>2</sub>**. Outdoor vehicular display.

1. The maximum area for display shall not exceed twenty (20) percent of the total net lot area.
2. Display shall be limited to hard-surfaced display areas and shall be incorporated into a setting of meaningful open space.
3. All areas designated for vehicle storage shall be screened from view by masonry walls and approved landscape screens from the street and adjacent properties. Vehicle storage areas shall not be subject to the parking lot landscape requirements.

**L**. Wireless communications facility (WCF) type 4.

1. All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the use permit. If a new use permit is not granted, the applicant shall be responsible for the removal of the facility. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.
2. To the degree a proposed WCF meets height requirements set forth in this ordinance, no use permit shall be granted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.
3. Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views.
4. The shape of the WCF shall blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views.

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~~5. The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape or obtrusive on views.~~

**MQ**. Plant nursery.

1. The site plan shall indicate all areas of outside display of plant and nonplant materials.
2. No bulk storage of planting materials shall be allowed on site. All outside storage shall occur at the rear of the site and be totally screened by a minimum six-foot high solid masonry wall.
3. Truck loading/unloading areas shall be screened from street views.
4. Large trucks and tractors shall not be allowed on site except for the purpose of transporting vegetation to and from the nursery site.
5. Outdoor public address systems shall not be allowed.
6. Only low-level lighting shall be allowed.
7. Bulk trash containers shall not be allowed on site.

**NR**. Ranch.

1. The minimum property shall be five (5) acres gross.
2. Structures or facilities used for the stabling, storing, showing or training of animals and for temporary manure storage shall be set back a minimum of fifty (50) feet from any single-family residential property other than those zoned R1~~190~~ and R1-130. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasturage may occur within the fifty-foot setback area subject to the setback requirements of the applicable zoning district.
3. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.
4. There shall be no shows or other activities which would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows may be obtained from City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, accommodations for spectators, traffic impacts and additional parking for cars and trailers. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.
5. All pasture and animal storage shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.
6. The applicant shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts on adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.
7. The owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.
8. All laws applicable to the public health must be complied with for the entire period of operation of the ranch.

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9. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression as approved by the project review director.
10. Upon revocation of the use permit or abandonment of the ranch operation any accessory residential structures shall be removed.

**OS. Residential health care facility.**

**1. Specialized residential health care facilities.**

- a. The number of beds shall not exceed eighty (80) per gross acre of land.
- b. A minimum of twenty-four (24) percent of the net lot shall be provided in meaningful open space.
  - ~~1.~~ **1.** A minimum of one-half of the open space requirement incorporated as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than twenty (20) square feet per one (1) foot of public street frontage.
- c. The site plan shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors.

**2. Minimal residential health care facilities.**

- a. The gross lot area shall not be less than one (1) acre.
- b. The number of units shall not exceed forty (40) dwelling units per gross acre of land.
- c. A minimum of twenty-four (24) percent of the net lot shall be provided in meaningful open space.
  - ~~1.~~ **1.** A minimum of one-half of the open space requirement incorporated as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than twenty (20) square feet per one (1) foot of public street frontage.
- d. The site plan shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors.

**PF. Seasonal art festival.**

1. The minimum lot area shall be five (5) gross acres in the R-4R, C-2, C-S, C-4, and P.C.C. districts and shall be two and one-half (2½) acres in the P.R.C. and D. districts.
2. In no case shall the gross floor area of all structures exceed the amount equal to six-tenths (0.6) multiplied by net lot area in square feet.
3. Volume is limited to the net lot area in square feet multiplied by nine (9.0) feet for any building.
4. Open space:
  - a. In no case shall the open space requirement be less than twenty (20) percent of the lot area.

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- b. Additional open space requirements shall be determined by Development Review Board approval.
- 5. No structure shall exceed thirty-six (36) feet in height.
- 6. Yards.
  - a. Front yard.
    - 1. ~~1.~~ A front yard of not less than fifty (50) feet shall be maintained where the front of the lot abuts an expressway or a major arterial.
    - 2. ~~2.~~ A front yard of not less than thirty (30) feet shall be maintained where the front of the lot abuts a minor arterial or less heavily traveled street.
    - 3. ~~3.~~ There shall be a landscape screen as determined by Development Review Board approval.
  - b. Side yard.
    - 1. ~~1.~~ A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a minor arterial or less heavily traveled street.
    - 2. ~~2.~~ A side yard of not less than fifty (50) feet shall be maintained where the rear of a lot abuts a residential district.
    - 3. ~~3.~~ There shall be a landscape screen as determined by Development Review Board approval.
  - c. A rear yard of not less than fifty (50) feet shall be maintained where the side of a lot abuts a residential district.
  - d. Operations and storage shall normally be conducted within an area contained by a temporary or permanent security fence which is screened by landscaping as described in paragraphs a.3. and b.3. preceding and as determined by Development Review Board approval or conditioned by use permit approval.
- 7. Parking improvements.
  - a. Dustproofed parking areas may be approved pursuant to ~~article IX~~ **Article IX**, Section 9.104.F and Section 9.106.C.1.a.2.
- 8. The arts and crafts displayed must be original work produced by the artists represented or reproductions of the original work of those artists.
- 9. One (1) legal entity shall be responsible for sales and the collection of sales tax.
- 10. The applicant shall create a written fire safety plan for approval by the City.
- 11. Within two (2) weeks of the closing of the business for that season all temporary structures will be removed and the site will be returned to essentially an original appearance.
- 12. Food service, if any, shall be provided by qualified concessionaires and will meet all health and sanitation standards established by the appropriate governmental authorities.
- 13. Adequate restroom facilities shall be provided.
- 14. The grounds, parking lot and yards shall be maintained in a clean and neat condition at all times. Trash receptacles shall be available throughout the grounds and all trash containers shall be screened from off-site view.
- 15. Entertainment, if any, shall not create noise levels in excess of ambient noise levels or fifty (50) DB, whichever is greater, measured at the property line.
- 16. The granting of a use permit shall not produce an incremental or cumulative effect of similar uses which would be detrimental to the city.

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17. On-site restrooms, offices and maintenance facilities shall be housed in permanent structures if the festival(s) occupies a site for more than two hundred seventy (270) days in any three-year period.

**QU. Service stations.**

1. The application shall include a detailed landscape plans showing plant, type, size and spacing. All landscape plans shall include an automated watering system and planting areas shall constitute a minimum of five (5) percent of the lot area and may be required to include as much as twenty (20) percent of the site, depending upon site size. Lack of care and maintenance of the landscape areas shall be considered due cause for revocation of the use permit. All trees planted shall have a minimum caliper of two (2) inches and all shrubs shall be at least five-gallon size.
2. All structures approved under this use permit shall be of a unique design character that is appropriate to the area in which they are to be constructed. Renderings of building shall accompany each application and construction shall be in reasonable conformity thereto. All canopies shall be connected to the roof of the main structure unless otherwise approved.
3. No driveway shall extend into the curb radius.
4. All source of artificial light shall be concealed and shall be attached to the main structure, unless otherwise specifically approved. All lighting shall be so designed as to permit no glare.
5. The minimum area of a lot considered adequate to accommodate this use, exclusive of street dedication, shall be twenty-two thousand five hundred (22,500) square feet.
6. A solid masonry wall or planting screen shall be required between all service station sites and residentially zoned property. (Height shall be as determined in each case.)
7. Each site plan for a service station shall show three (3) types of areas as follows:
  - a. Building area.
  - b. Service area which shall be screened from view by a masonry wall and within which all automotive repair and service shall take place. Entry to indoor service areas shall be from the rear of the station except in cases where it may be approved otherwise by the City Council.
  - c. Sales area.
8. None of the above criteria shall prohibit the City Council from considering an application to reconstruct or remodel an existing service station.

**RV. Teen dance center.**

1. No teen dance center shall be located within three hundred (300) feet of an establishment selling packaged spirituous liquors.
2. No portion of a teen dance center shall at any time be illuminated with lighting of less than two (2) footcandles per square foot. This requirement shall apply to parking areas and any other outdoor areas related to the dancing operation.
3. The applicant shall create a written security plan for approval by the City.
4. No disorderly or boisterous person or any person using spirituous liquors or illegal drugs shall be permitted to enter the premises or remain on the premises.



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5. A patron who leaves that portion of the premises in which the dancing operation is contained shall not be readmitted without paying a separate fee for readmission.
6. A teen dance center shall not operate without a valid business license.

**SW.** Tennis club.

1. The minimum property size shall be three (3) acres.
2. If courts are lighted, lighting standards shall not exceed thirty (30) feet in height. Lighting shall be placed and shielded so as not to be detrimental to adjoining properties.
3. Fencing of courts shall not exceed twelve (12) feet in height and may be required to be opaque by the City Council.
4. There shall be no shows, tournaments or other activity which would generate more traffic than is normal to a residential area, unless access is provided from an arterial street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows and activities may be obtained from the City Council. Permission shall be requested in a letter that explains the nature and duration of the activity and accommodations for spectators, additional parking and traffic. This letter shall be submitted to the City Clerk at least one (1) week prior to the hearing at which consideration is desired.
5. There shall be a heavily landscaped fifty-foot buffer strip adjacent to any residential zoning district or as otherwise determined by the City Council.
6. Development review approval shall be obtained for all structures.
7. Hours of operation may be controlled by the City Council.
8. Perimeter fencing of the site may be required by the City Council.

**X.** Wireless communications facility (WCF) type 4.

1. All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the use permit. If a new use permit is not granted, the applicant shall be responsible for the removal of the facility. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.
2. To the degree a proposed WCF meets height requirements set forth in this ordinance, no use permit shall be granted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.
3. Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views.
4. The shape of the WCF shall blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views.
5. The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape or obtrusive on views.

**ARTICLE III. - DEFINITIONS**



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2. The following definitions are added to Section 3.100 as follows:

**Sec. 3.100. - GENERAL.**

*Medical marijuana* is all the parts of the genus cannabis whether growing or not, and the seed of such plants that can be administered to treat or alleviate a condition(s) of a qualifying patient as in the Arizona Revised Statutes.

*Medical marijuana dispensary* is a land use that, as its primary function, dispenses medical marijuana, and its associated goods and services, to a qualifying patient or their qualifying caregiver by sale, distribution, transmission, or gift as in the Arizona Revised Statutes.

*Medical marijuana dispensary cultivation* is a land use consisting of the growing of medical marijuana plant(s) as in the Arizona Revised Statutes.

*Medical marijuana manufacturing* is a land use that consists of the indoor processing of raw medical marijuana into medical marijuana products and packaging those products as in the Arizona Revised Statutes.

*Medical marijuana qualifying patient* is a person who has been approved as a medical marijuana qualifying patient card holder as in Arizona Revised Statutes.

*Medical marijuana qualifying patient caregiver cultivation* is a land use consisting of the indoor growing of medical marijuana plant(s) primarily for a medical marijuana qualifying patient(s) and secondarily for medical marijuana dispensary(ies) as in Arizona Revised Statutes.

**ARTICLE V. DISTRICT REGULATIONS**

3. Subsection B. of Section 5.1803. [(I-1) Industrial Park District] is amended as follows:

**Sec. 5.1803. - Use regulations.**

B. Uses subject to a conditional use permit.

1. Antique, rare or unusual auto restoration.
2. Auction gallery.
3. Automobile and boat assembly and reassembly, excluding general repairs and maintenance.
4. Bank. No use permit application for banks or financial institutions shall be granted unless the following conditions exist: The use shall be compatible with the I-1 development and/or abutting residential development. The use shall be primarily to serve the needs of the industrial park and shall be located accordingly. The use shall not be detrimental to the surrounding area due to: Increased automobile traffic, noise generated from within the site, character of proposed building.
5. Beverage bottling.
6. Bulk cleaning and laundry.
7. Ceramics manufacturing.
8. Cosmetics manufacturing.
9. Day care center, if the drop off or outdoor play area is within one hundred (100) feet

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from a residential district. No use permit for this use shall be granted unless the conditions enumerated in ~~1.403~~ Section 1.403, and the following conditions exist:

- a. The use shall be compatible in scale, mass and architecture with the I-1 development and any abutting residential development.
- b. Substantial I-1 development shall have occurred in the immediate area so as to provide a localized demand for the use.
- c. Building orientation and access to the site shall be directed to interior local industrial streets.
- d. Site plan design shall minimize vehicular conflicts between industrial/commercial uses and day care center patrons.

10. Delicatessen. No use permit application for a delicatessen shall be granted unless the following conditions exist: The use shall be primarily to serve the needs of the industrial park and shall be located accordingly. The use shall not exceed two hundred (200) square feet of public floor area and shall not occur in a building wherein the delicatessen would be the sole or primary use. Delicatessen for the purpose of the I-1 section of the zoning ordinance shall exclude retail sales of grocery items or alcoholic beverages and shall provide no indoor or outdoor tables for dining.

11. Equipment storage.

12. Food processing and preparation, excluding slaughtering and fat rendering.

13. Furniture manufacturing or refinishing.

14. Health and fitness studio (greater than six thousand (6,000) square feet of gross floor area).

15. Ice plant.

16. Medical marijuana dispensary cultivation. (See Section 1.400. for Criteria.)

17. Medical marijuana qualifying patient caregiver cultivation. (See Section 1.400. for Criteria.)

18. Medical marijuana manufacturing. (See Section 1.400. for Criteria.)

19. Off-airport heliport, subject to compliance with all applicable definitions, qualifications, minimum operating standards, rules, and regulations set forth in or established pursuant to Chapter 5 of the Scottsdale Revised Code.

~~17. Wireless communications facilities; type 4, subject to requirements of sections 1.400, 3.100 and 7.200.~~

~~18~~20. Pharmaceuticals manufacturing.

~~19~~21. Plastics manufacturing.

~~20~~22. Plating or replating.

~~21~~23. Pottery manufacturing.

~~22. Public utility service yard.~~

23. Restaurant. No use permit application for a restaurant shall be granted unless the following conditions exist:

- a. ~~The use shall be compatible with I-1 development and/or any abutting residential development. The use shall be primarily to serve the needs of the industrial park and shall be located accordingly. The use shall not be detrimental to the surrounding area due to: Increased automobile traffic, noise generated from within the site, character of the proposed building.~~

**ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA – 8-TA-2010  
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24. Private and charter school having no room regularly used for housing or sleeping overnight. No conditional use permit application for a proposed private and charter school shall be deemed complete unless the zoning administrator has determined that the proposed private and charter school, if established, would not be located within the 60 DNL, or higher, noise contour, as shown in the "general plan and zoning map" located in the current Scottsdale Airport Noise Compatibility Plan, including any amendments to that plan. Subject to development review board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.

- (a) ~~a~~ Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
- (b) ~~b~~ Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
- (c) ~~c~~ Noise: There shall be no outside speaker system or bells if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
- (d) ~~d~~ Lighting: All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. (e) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
- (f) ~~e~~ Parking: Parking shall observe the front yard setbacks of the district for all frontages. Parking shall be located and screened per the requirements of the district. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.
- (g) ~~f~~ Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a six (6) foot wall or fence to protect the safety and welfare of the students and shall be located within the side or rear yard.
- (h) ~~h~~ Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school.
- (i) ~~i~~ Public trails or pedestrian connections:] Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the development review board.
- (j) ~~j~~ Circulation plan: The applicant shall submit a circulation plan to insure minimal vehicular conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
- (k) ~~k~~ Airport noise mitigation: Applications located between the fifty-five (55) DNL and the sixty (60) DNL noise contour, as shown in the "general plan and zoning map" located in the current Scottsdale Airport Noise Compatibility Plan, including any amendments to that plan, shall use sound attenuation measures to reduce outside-to-inside noise by twenty-five (25) db. These sound attenuation measures are shown in the model building code contained in the Scottsdale airport noise compatibility plan.

ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA – 8-TA-2010  
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25. Public utility service yard.
26. Restaurant. No use permit application for a restaurant shall be granted unless the following conditions exist:
- a. The use shall be compatible with I-1 development and/or any abutting residential development. The use shall be primarily to serve the needs of the industrial park and shall be located accordingly. The use shall not be detrimental to the surrounding area due to: increased automobile traffic, noise generated from within the site, character of the proposed building.
257. Television or radio sending or receiving tower.
268. Unoccupied recreational vehicle storage adjacent to any residential district. No use permit shall be granted for unoccupied recreational vehicle storage which is adjacent to any residential district unless the following conditions have been satisfied:
- a. The site plan shall demonstrate that a wall and/or landscaping screens the unoccupied recreational vehicle storage from any residential district.
  - b. The applicant has provided a written lighting plan which addresses exterior lighting on the property, if provided, in accordance with ~~Section 7.600~~ Section 7.600 of the Zoning Ordinance. The lighting plan shall demonstrate that proposed exterior lighting does not direct light upon any adjacent property.
  - c. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
29. Wireless communications facilities; type 4, subject to requirements of Sections 1.400, 3.100, and 7.200.

4. Subsection B. of Section 5.2203. [(C-O) Commercial Office District] is amended as follows:  
**Sec. 5.2203. - Use regulations.**

- B. Uses subject to a conditional use permit.
1. Corporate headquarters which includes transient residential units only for employees on a site of less than twenty (20) acres.
  2. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see ~~section 1.403~~ See Section 1.403 for criteria).
  3. Funeral home and chapel.
  4. Hospital.
  5. Medical marijuana dispensary. (See Section 1.400. for Criteria).
  6. Municipal uses.
  67. Wireless communications facilities; Type 4, subject to requirements of ~~sections 1.400, 3.100 and 7.200~~ Sections 1.400, 3.100, and 7.200.
  78. Private club, fraternity, sorority, and lodges.
  89. Research and development facilities.
  910. Residential health care facility (see ~~section 1.403~~ Section 1.403 for criteria).

**ARTICLE VI. - SUPPLEMENTARY DISTRICTS**

5. Subsection C. of Section 6.803. [Special Campus (SC) District] is amended as follows:  
**Sec. 6.803. - Use regulations.**

C. Conditional uses.

ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA – 8-TA-2010  
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1. Medical marijuana dispensary, where the primary campus use is a hospital or medical establishment. (See Section 1.400 for Criteria).
2. Wireless communications facilities; Types 1, 2, 3, and 4 (except new monopoles or towers), subject to the requirements of sections 1.400, 3.100, and 7.200 Sections 1.400, 3.100, and 7.200. Facilities shall be located along a major or minor arterial street.

ARTICLE VII. - GENERAL PROVISIONS

6. Subsection G. of Section 7.200. [Additional Area Regulations] is amended as follows:

G. Accessory uses.

1. This section shall apply only to residential districts.

a. Tennis courts. Tennis courts are a permitted accessory use to a single-family dwelling. Tennis courts, including the enclosure and lighting, may be built on a single-family lot as follows:

i. Tennis courts shall not be permitted in a required front yard.

ii. Tennis courts without lighting shall be setback five (5) feet from all side and rear lot lines (measure from the edge of the playing surface).

iii. Tennis courts with lighting shall be setback twenty (20) feet from all side and rear lot lines (measured from the edge of the playing surface and base of the lighting standard).

iv. Outdoor lights shall be shielded to comply with Section 7.600 of this Article and shall not be operated between 10:00 p.m. and sunrise.

v. Tennis courts shall be fenced or otherwise enclosed to prevent tennis balls from landing on adjacent properties. The maximum wall and/or fence height shall comply with the standards of the zoning district for the lot.

vi. Plans for the construction of a tennis court shall be submitted to the development services manager for a determination of zoning compliance. Tennis court plans shall include setback dimensions from all property lines and the location and height of any walls, fences, or lighting related to the tennis court.

2. This section shall apply only to residential dwelling units.

a. Medical marijuana qualifying patient cultivation.

i. Medical marijuana qualifying patient cultivation is the indoor growing and manufacturing of a marijuana plant(s) by a medical marijuana qualifying patient for use by the qualifying patient who resides in the dwelling unit within which the growing occurs as in the Arizona Revised Statutes.

### Summary of Proposition 203

In the 2010 General Election the voters approved Proposition 203, a proposal to make legal medical marijuana in Arizona. This Proposition allows the dispensing and cultivation of medical marijuana. Local communities are allowed, but not required, to enact reasonable zoning regulations for medical marijuana land uses particularly medical marijuana dispensaries. The Arizona Department of Health Services (ADHS) will adopt rules and enforce a regulatory system for the distribution of medical marijuana. The ADHS has advised that their rule making process will likely take about 120 days and local regulations should be in place and effective not later than March 1, 2011. Staff has identified the following land use related characteristics arising from Proposition 203:

1. Nonprofit Medical Marijuana Dispensary.
  - May acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, sell or dispense marijuana and related supplies and educational materials.
  - Shall not permit any person to consume marijuana on the property of a Nonprofit Medical Marijuana Dispensary.
  - Must be 500 feet from any existing public or private school.
  - Shall have a single secure entrance.
2. Nonprofit Medical Marijuana Dispensary cultivation site.
  - May be at a location other than its associated Nonprofit Medical Marijuana Dispensary.
  - Cultivation must occur in "an enclosed, locked facility", defined as "...a closet, room, greenhouse or other enclosed area equipped with locks or other security devices..."
  - Must be 500 feet from any existing public or private school.
3. Medical Marijuana Qualifying Patient cultivation site (12 plants maximum).
4. Medical Marijuana Qualifying Patient Caregiver cultivation site (60 plants maximum for Qualifying Patients).
  - For each of the above (Nos. 3 and 4) cultivation activities, cultivation may only occur in "an enclosed, locked facility", defined as "...a closet, room, greenhouse or other enclosed area equipped with locks or other security devices..."

### Additional Proposition 203 Information

#### *What is the role of the ADHS?*

This department is charged with oversight of vital records and enforces a regulatory system that assures health safety in Arizona. As related to Proposition 203 the ADHS would adopt and enforce:

- A regulatory system for the distribution of medical marijuana, and
- A registration system for Qualifying Patients, Designated Caregivers, Nonprofit Medical Marijuana Dispensaries, and Dispensary Agents.

Proposition 203 requires that a Qualifying Patient register with the ADHS. That registration would legally allow the Qualifying Patient to obtain medical marijuana from a Nonprofit Medical Marijuana Dispensary, own the medical marijuana and use it to treat or alleviate symptoms associated with a debilitating medical condition.

In order for the ADHS to complete an approval of an application from a Nonprofit Medical Marijuana Dispensary for a site in a city, town or county, the application to the ADHS must include a sworn statement certifying that the dispensary is in compliance with the local zoning restrictions.

The ADHS is proceeding with rulemaking related to Proposition 203. The ADHS has advised that their rule making process will likely take about 120 days and local regulations should be in place and effective not later than March 1, 2011.

*What is "medical marijuana?"*

Medical marijuana is chemically no different as compared to illegal marijuana. The definitions contained in Proposition 203 do not include the term "medical marijuana." However, marijuana is labeled "medical marijuana" in the title of the Act and within the legislation of Proposition 203. The combination of two proposed definitions helps clarify medical marijuana. Marijuana is defined as "marijuana" to include all parts of the genus cannabis plant and its seeds. Medical use is defined as the various activities related to the administration of marijuana to treat or alleviate a patient's medical condition or associated symptoms.

*What is a "Nonprofit Medical Marijuana Dispensary?"*

Proposition 203 defines this as a not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A cardholder is a person that has obtained a medical marijuana card issued by the ADHS that allows the cardholder to obtain and use medical marijuana. There are three types of card holders, a Dispensary Agent, a Qualified Patient, and a Qualified Patient Caregiver. A Nonprofit Medical Marijuana Dispensary may receive payment for all expenses incurred in its operation.

A Nonprofit Medical Marijuana Dispensary would be registered with ADHS and operate as a nonprofit entity. The state-wide total number of Nonprofit Medical Marijuana Dispensaries would be set at a ratio of one Nonprofit Medical Marijuana Dispensaries per every ten pharmacy permits issued by the Arizona State Board of Pharmacy. However, the certificates may exceed this limit to allow at least one Nonprofit Medical Marijuana Dispensary in each county. The state does not limit the total number of pharmacy permits that can be held. Currently the ratio would result in approximately 125 Nonprofit Medical Marijuana Dispensaries in Arizona.

Proposition 203 iterates various operational requirements for Nonprofit Medical Marijuana Dispensaries including security and record keeping.

The cultivation of marijuana would be conducted by the Nonprofit Medical Marijuana Dispensary in an enclosed, locked facility. A Nonprofit Medical Marijuana Dispensary would be able to acquire marijuana from other registered Nonprofit Medical Marijuana Dispensaries or

from a registered Qualifying Patient or designated Caregiver if the Patient or Caregiver were not compensated for the marijuana.

*Are there geographic location limits?*

*Location of Possession, Smoking, Using, Consuming Marijuana.* Proposition 203 does not authorize the possession or use of medical marijuana: on a school bus, on the grounds of a preschool, primary school, or high school, or in a correctional facility. It does not authorize smoking marijuana on public transportation or in a public place. Nor does it require an owner of private property to allow the use of marijuana on that property. Marijuana cannot be consumed on the property of a Nonprofit Medical Marijuana Dispensary.

*Location of Nonprofit Medical Marijuana Dispensary.*

The application for a Nonprofit Medical Marijuana Dispensary to the Arizona Department of Health Services must identify the location of the dispensary, and it may not be within 500 feet of a public or private school existing before the date of the dispensary application.

Cities, towns, and counties may enact reasonable regulations that limit the use of land for registered Nonprofit Medical Marijuana Dispensaries.

*Who and where may marijuana be cultivated?*

A qualifying patient registered with Arizona Department of Health Services (or a Designated Caregiver on behalf of the Qualifying Patient) whose home is located more than 25 miles from the nearest Nonprofit Medical Marijuana Dispensary may cultivate up to 12 marijuana plants in an enclosed, locked facility. This marijuana may be used by the Qualified Patient or provided to a Nonprofit Medical Marijuana Dispensary from the cultivator with no compensation from the dispensary.

Proposition 203 does not identify any limits to the location of the cultivation of marijuana by a registered Nonprofit Medical Marijuana Dispensary. However, the cultivation activity is restricted to an enclosed and locked facility, at a physical address provided to the ADHS, and which can only be accessed by registered Nonprofit Medical Marijuana Dispensary Agents who are associated in the registry with the Nonprofit Medical Marijuana Dispensary.

An enclosed locked facility is defined as a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.



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**APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER**

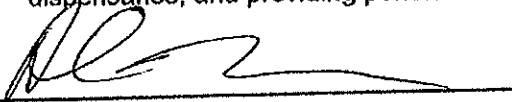
Secretary of State  
1700 W. Washington Street, 7th Floor  
Phoenix, AZ 85007

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The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The Arizona Medical Marijuana Act protects terminally or seriously ill patients from state prosecution for using limited amounts of marijuana on their doctor's recommendation. Qualifying patients who register with the Arizona Department of Health Services will obtain marijuana from nonprofit medical marijuana dispensaries regulated by ADHS. Private cultivation will be allowed by ADHS only when no dispensary is available. The Act is self-funding and establishes safeguards: registration cards; fingerprinting of caregivers and dispensary personnel to exclude drug and violent felons; strict security, recordkeeping and oversight requirements; inspection of dispensaries; restrictions on number and location of dispensaries; and providing penalties.

  
Signature of Applicant  
ANDREW MYERS  
Printed Name of Applicant  
820 N. 3RD AVENUE  
Address  
PHOENIX AZ 85003  
City State Zip  
602-462-2200  
Telephone Number

ARIZONA MEDICAL MARIJUANA POLICY PROJECT  
Name of Organization (if any)  
P.O. Box 1710  
Address  
PHOENIX AZ 85001  
City State Zip  
602-462-2291  
Telephone Number  
JOE YUNAS, CHAIRMAN  
Name of Officer and Title  
820 N. 3RD AVENUE  
Address  
PHOENIX AZ 85003  
City State Zip  
602-462-2200  
Telephone Number  
PANALA DOAN, TREASURER  
Name of Officer and Title  
820 N. 3RD AVENUE  
Address  
PHOENIX AZ 85003  
City State Zip  
602-462-2200  
Telephone Number

|                      |                     |
|----------------------|---------------------|
| Date of Application  | <u>May 15, 2009</u> |
| Signatures Required  | <u>153,365</u>      |
| Deadline for Filing  | <u>JULY 1, 2010</u> |
| Serial Number Issued | <u>I-04-2010</u>    |
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**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

**AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.1; AMENDING SECTION 43-1201, ARIZONA REVISED STATUTES; RELATING TO THE MEDICAL USE OF MARIJUANA; PROVIDING FOR CONDITIONAL REPEAL.**

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the people of the state of Arizona:

**Section 1.** Title.

This act may be cited as the "Arizona Medical Marijuana Act."

**Sec. 2.** Findings.

The People of the State of Arizona find and declare the following:

A. Marijuana's recorded use as a medicine goes back nearly 5,000 years, and modern medical research has confirmed beneficial uses for marijuana in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

B. Studies published since the 1999 Institute of Medicine report have continued to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of neuropathic pain caused by multiple sclerosis, HIV/AIDS and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

C. Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 260,000 patients in the states with medical marijuana laws. Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, American College of

Physicians, American Nurses Association, American Public Health Association, Leukemia & Lymphoma Society and many others.

D. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the U.S. are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

E. Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island and Washington have removed state-level criminal penalties for the medical use and cultivation of marijuana. Arizona joins in this effort for the health and welfare of its citizens.

F. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of Arizona in violation of federal law.

G. State law should make a distinction between the medical and nonmedical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties and property forfeiture if such patients engage in the medical use of marijuana.

Sec. 3. Title 36, Arizona Revised Statutes, is amended by adding Chapter 28.1 to read:

CHAPTER 28.1  
ARIZONA MEDICAL MARIJUANA ACT

**36-2801. Definitions**

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

I. "ALLOWABLE AMOUNT OF MARIJUANA"

(a) WITH RESPECT TO A QUALIFYING PATIENT, THE "ALLOWABLE AMOUNT OF MARIJUANA" MEANS:

- (i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND
- (ii) IF THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD STATES THAT THE QUALIFYING PATIENT IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE

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PLANTS ARE BEING TRANSPORTED BECAUSE THE QUALIFYING PATIENT IS MOVING.

(b) WITH RESPECT TO A DESIGNATED CAREGIVER, THE "ALLOWABLE AMOUNT OF MARIJUANA" FOR EACH PATIENT ASSISTED BY THE DESIGNATED CAREGIVER UNDER THIS CHAPTER MEANS:

- (i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND
- (ii) IF THE DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD PROVIDES THAT THE DESIGNATED CAREGIVER IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE PLANTS ARE BEING TRANSPORTED BECAUSE THE DESIGNATED CAREGIVER IS MOVING.

(c) MARIJUANA THAT IS INCIDENTAL TO MEDICAL USE, BUT IS NOT USABLE MARIJUANA AS DEFINED IN THIS CHAPTER, SHALL NOT BE COUNTED TOWARD A QUALIFYING PATIENT'S OR DESIGNATED CAREGIVER'S ALLOWABLE AMOUNT OF MARIJUANA.

2. "CARDHOLDER" MEANS A QUALIFYING PATIENT, A DESIGNATED CAREGIVER OR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO HAS BEEN ISSUED AND POSSESSES A VALID REGISTRY IDENTIFICATION CARD.

3. "DEBILITATING MEDICAL CONDITION" MEANS ONE OR MORE OF THE FOLLOWING:

(a) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, HEPATITIS C, AMYOTROPHIC LATERAL SCLEROSIS, CROHN'S DISEASE, AGITATION OF ALZHEIMER'S DISEASE OR THE TREATMENT OF THESE CONDITIONS.

(b) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR ITS TREATMENT THAT PRODUCES ONE OR MORE OF THE FOLLOWING: CACHEXIA OR WASTING SYNDROME; SEVERE AND CHRONIC PAIN; SEVERE NAUSEA; SEIZURES, INCLUDING THOSE CHARACTERISTIC OF EPILEPSY; OR SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING THOSE CHARACTERISTIC OF MULTIPLE SCLEROSIS.

(c) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT ADDED BY THE DEPARTMENT PURSUANT TO SECTION 36-2801.01.

4. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.

5. "DESIGNATED CAREGIVER" MEANS A PERSON WHO:

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(a) IS AT LEAST TWENTY-ONE YEARS OF AGE.  
(b) HAS AGREED TO ASSIST WITH A PATIENT'S MEDICAL USE OF MARIJUANA.  
(c) HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.  
(d) ASSISTS NO MORE THAN FIVE QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA.

(e) MAY RECEIVE REIMBURSEMENT FOR ACTUAL COSTS INCURRED IN ASSISTING A REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA IF THE REGISTERED DESIGNATED CAREGIVER IS CONNECTED TO THE REGISTERED QUALIFYING PATIENT THROUGH THE DEPARTMENT'S REGISTRATION PROCESS. THE DESIGNATED CAREGIVER MAY NOT BE PAID ANY FEE OR COMPENSATION FOR HIS SERVICE AS A CAREGIVER. PAYMENT FOR COSTS UNDER THIS SUBDIVISION SHALL NOT CONSTITUTE AN OFFENSE UNDER TITLE 13, CHAPTER 34 OR UNDER TITLE 36, CHAPTER 27, ARTICLE 4.

6. "ENCLOSED, LOCKED FACILITY" MEANS A CLOSET, ROOM, GREENHOUSE OR OTHER ENCLOSED AREA EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES THAT PERMIT ACCESS ONLY BY A CARDHOLDER.

7. "EXCLUDED FELONY OFFENSE" MEANS:

(a) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03, SUBSECTION B, THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED.

(b) A VIOLATION OF A STATE OR FEDERAL CONTROLLED SUBSTANCE LAW THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED BUT DOES NOT INCLUDE:

(i) AN OFFENSE FOR WHICH THE SENTENCE, INCLUDING ANY TERM OF PROBATION, INCARCERATION OR SUPERVISED RELEASE, WAS COMPLETED TEN OR MORE YEARS EARLIER.

(ii) AN OFFENSE INVOLVING CONDUCT THAT WOULD BE IMMUNE FROM ARREST, PROSECUTION OR PENALTY UNDER SECTION 36-2811 EXCEPT THAT THE CONDUCT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER OR WAS PROSECUTED BY AN AUTHORITY OTHER THAN THE STATE OF ARIZONA.

8. "MARIJUANA" MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT.

9. "MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE, ADMINISTRATION, DELIVERY, TRANSFER OR TRANSPORTATION

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OF MARIJUANA OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

10. "NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT" MEANS A PRINCIPAL OFFICER, BOARD MEMBER, EMPLOYEE OR VOLUNTEER OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

11. "NONPROFIT MEDICAL MARIJUANA DISPENSARY" MEANS A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS OR DISPENSES MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY RECEIVE PAYMENT FOR ALL EXPENSES INCURRED IN ITS OPERATION.

12. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE MEDICINE PURSUANT TO TITLE 32, CHAPTER 13 OR ITS SUCCESSOR, A DOCTOR OF OSTEOPATHIC MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE OSTEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 17 OR ITS SUCCESSOR, A NATUROPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 14 OR ITS SUCCESSOR OR A HOMEOPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE HOMEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 29 OR ITS SUCCESSOR.

13. "QUALIFYING PATIENT" MEANS A PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION.

14. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT THAT IDENTIFIES A PERSON AS A REGISTERED QUALIFYING PATIENT, REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

15. "USABLE MARIJUANA" MEANS THE DRIED FLOWERS OF THE MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION THEREOF, BUT DOES NOT INCLUDE THE SEEDS, STALKS AND ROOTS OF THE PLANT AND DOES NOT INCLUDE THE WEIGHT OF ANY NON-MARIJUANA INGREDIENTS COMBINED WITH MARIJUANA AND PREPARED FOR CONSUMPTION AS FOOD OR DRINK.

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16. "VERIFICATION SYSTEM" MEANS A SECURE, PASSWORD-PROTECTED, WEB-BASED SYSTEM ESTABLISHED AND MAINTAINED BY THE DEPARTMENT THAT IS AVAILABLE TO LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ON A TWENTY-FOUR HOUR BASIS FOR VERIFICATION OF REGISTRY IDENTIFICATION CARDS.

17. "VISITING QUALIFYING PATIENT" MEANS A PERSON:

(a) WHO IS NOT A RESIDENT OF ARIZONA OR WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS.

(b) WHO HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION BY A PERSON WHO IS LICENSED WITH AUTHORITY TO PRESCRIBE DRUGS TO HUMANS IN THE STATE OF THE PERSON'S RESIDENCE OR, IN THE CASE OF A PERSON WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS, THE STATE OF THE PERSON'S FORMER RESIDENCE.

18. "WRITTEN CERTIFICATION" MEANS A DOCUMENT DATED AND SIGNED BY A PHYSICIAN, STATING THAT IN THE PHYSICIAN'S PROFESSIONAL OPINION THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION. THE PHYSICIAN MUST:

(a) SPECIFY THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION IN THE WRITTEN CERTIFICATION.

(b) SIGN AND DATE THE WRITTEN CERTIFICATION ONLY IN THE COURSE OF A PHYSICIAN-PATIENT RELATIONSHIP AFTER THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY.

**36-2801.01. Addition of debilitating medical conditions.**

THE PUBLIC MAY PETITION THE DEPARTMENT TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH -3-. THE DEPARTMENT SHALL CONSIDER PETITIONS IN THE MANNER REQUIRED BY DEPARTMENT RULE, INCLUDING PUBLIC NOTICE AND HEARING. THE DEPARTMENT SHALL APPROVE OR DENY A PETITION WITHIN ONE-HUNDRED-EIGHTY DAYS OF ITS SUBMISSION. THE APPROVAL OR DENIAL OF A PETITION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE

VESTED IN THE SUPERIOR COURT.

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**36-2802. Arizona Medical Marijuana Act: limitations**

THIS CHAPTER DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR ENGAGING IN, THE FOLLOWING CONDUCT:

- A. UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MARIJUANA THAT WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.
- B. POSSESSING OR ENGAGING IN THE MEDICAL USE OF MARIJUANA:
  - 1. ON A SCHOOL BUS.
  - 2. ON THE GROUNDS OF ANY PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL.
  - 3. IN ANY CORRECTIONAL FACILITY.
- C. SMOKING MARIJUANA:
  - 1. ON ANY FORM OF PUBLIC TRANSPORTATION.
  - 2. IN ANY PUBLIC PLACE.
- D. OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT OR MOTORBOAT WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.
- E. USING MARIJUANA EXCEPT AS AUTHORIZED UNDER THIS CHAPTER.

**36-2803. Rulemaking**

- A. NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ADOPT RULES:
  - 1. GOVERNING THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER PETITIONS FROM THE PUBLIC TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH 3, INCLUDING PUBLIC NOTICE OF, AND AN OPPORTUNITY TO COMMENT IN A PUBLIC HEARING UPON, PETITIONS.
  - 2. ESTABLISHING THE FORM AND CONTENT OF REGISTRATION AND RENEWAL APPLICATIONS SUBMITTED UNDER THIS CHAPTER.



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3. GOVERNING THE MANNER IN WHICH IT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRY IDENTIFICATION CARDS.

4. GOVERNING NONPROFIT MEDICAL MARIJUANA DISPENSARIES, FOR THE PURPOSE OF PROTECTING AGAINST DIVERSION AND THEFT WITHOUT IMPOSING AN UNDUE BURDEN ON NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR COMPROMISING THE CONFIDENTIALITY OF CARDHOLDERS, INCLUDING:

(a) THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRATION CERTIFICATES.

(b) MINIMUM OVERSIGHT REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

(c) MINIMUM RECORDKEEPING REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

(d) MINIMUM SECURITY REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.

(e) PROCEDURES FOR SUSPENDING OR REVOKING THE REGISTRATION CERTIFICATE OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES THAT VIOLATE THE PROVISIONS OF THIS CHAPTER OR THE RULES ADOPTED PURSUANT TO THIS SECTION.

5. ESTABLISHING APPLICATION AND RENEWAL FEES FOR REGISTRY IDENTIFICATION CARDS AND NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES, ACCORDING TO THE FOLLOWING:

(a) THE TOTAL AMOUNT OF ALL FEES SHALL GENERATE REVENUES SUFFICIENT TO IMPLEMENT AND ADMINISTER THIS CHAPTER EXCEPT THAT FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.

(b) NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION FEES MAY NOT EXCEED \$5,000.

(c) NONPROFIT MEDICAL MARIJUANA DISPENSARY RENEWAL FEES MAY NOT EXCEED \$1,000.

(d) THE TOTAL AMOUNT OF REVENUE FROM NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION AND RENEWAL FEES AND REGISTRY IDENTIFICATION CARD FEES FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL BE SUFFICIENT TO IMPLEMENT AND ADMINISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY PROVISIONS OF THIS CHAPTER, INCLUDING THE

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VERIFICATION SYSTEM, EXCEPT THAT THE FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.

(e) THE DEPARTMENT MAY ESTABLISH A SLIDING SCALE OF PATIENT APPLICATION AND RENEWAL FEES BASED UPON A QUALIFYING PATIENT'S HOUSEHOLD INCOME.

(f) THE DEPARTMENT MAY CONSIDER PRIVATE DONATIONS UNDER SECTION 36-2817 TO REDUCE APPLICATION AND RENEWAL FEES.

B. THE DEPARTMENT IS AUTHORIZED TO ADOPT THE RULES SET FORTH IN SUBSECTION A AND SHALL ADOPT THOSE RULES PURSUANT TO TITLE 41, CHAPTER 6.

36-2804. Registration and certification of nonprofit medical marijuana dispensaries

A. NONPROFIT MEDICAL MARIJUANA DISPENSARIES SHALL REGISTER WITH THE DEPARTMENT.

B. NOT LATER THAN NINETY DAYS AFTER RECEIVING AN APPLICATION FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY, THE DEPARTMENT SHALL REGISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND ISSUE A REGISTRATION CERTIFICATE AND A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER IF:

1. THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY HAS SUBMITTED THE FOLLOWING:
  - (a) THE APPLICATION FEE.
  - (b) AN APPLICATION, INCLUDING:
    - (i) THE LEGAL NAME OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.
    - (ii) THE PHYSICAL ADDRESS OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND THE PHYSICAL ADDRESS OF ONE ADDITIONAL LOCATION, IF ANY, WHERE MARIJUANA WILL BE CULTIVATED, NEITHER OF WHICH MAY BE WITHIN FIVE HUNDRED FEET OF A PUBLIC OR PRIVATE SCHOOL EXISTING BEFORE THE DATE OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION.
    - (iii) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND BOARD MEMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.
    - (iv) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
  - (c) OPERATING PROCEDURES CONSISTENT WITH DEPARTMENT RULES FOR OVERSIGHT OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY, INCLUDING PROCEDURES TO ENSURE ACCURATE RECORD-KEEPING AND ADEQUATE SECURITY

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MEASURES.

(d) IF THE CITY, TOWN OR COUNTY IN WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY WOULD BE LOCATED HAS ENACTED ZONING RESTRICTIONS, A SWORN STATEMENT CERTIFYING THAT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS IN COMPLIANCE WITH THE RESTRICTIONS.

2. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

3. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS SERVED AS A PRINCIPAL OFFICER OR BOARD MEMBER FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED.

4. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS IS UNDER TWENTY-ONE YEARS OF AGE.

C. THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE FOR EVERY TEN PHARMACIES THAT HAVE REGISTERED UNDER SECTION 32-1929, HAVE OBTAINED A PHARMACY PERMIT FROM THE ARIZONA BOARD OF PHARMACY AND OPERATE WITHIN THE STATE EXCEPT THAT THE DEPARTMENT MAY ISSUE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES IN EXCESS OF THIS LIMIT IF NECESSARY TO ENSURE THAT THE DEPARTMENT ISSUES AT LEAST ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE IN EACH COUNTY IN WHICH AN APPLICATION HAS BEEN APPROVED.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.

**36-2804.01. Registration of nonprofit medical marijuana dispensary agents; notices; civil penalty; classification**

A. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE REGISTERED WITH THE DEPARTMENT BEFORE VOLUNTEERING OR WORKING AT A MEDICAL MARIJUANA DISPENSARY.

B. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT BY SUBMITTING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

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2. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICATION.
  3. A STATEMENT SIGNED BY THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
  4. THE APPLICATION FEE.
  - C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS AFTER A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT CEASES TO BE EMPLOYED BY OR VOLUNTEER AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.
  - D. NO PERSON WHO HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE MAY BE A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
  - E. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.

**36-2804.02. Registration of qualifying patients and designated caregivers**

- A. A QUALIFYING PATIENT MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD BY SUBMITTING:
  1. WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.
  2. THE APPLICATION FEE.
  3. AN APPLICATION, INCLUDING:
    - (a) NAME, MAILING ADDRESS, RESIDENCE ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT EXCEPT THAT IF THE APPLICANT IS HOMELESS NO ADDRESS IS REQUIRED.
    - (b) NAME, ADDRESS AND TELEPHONE NUMBER OF THE QUALIFYING PATIENT'S PHYSICIAN.
    - (c) NAME, ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY.
    - (d) A STATEMENT SIGNED BY THE QUALIFYING PATIENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
    - (e) A SIGNED STATEMENT FROM THE DESIGNATED CAREGIVER, IF ANY, AGREEING TO BE THE PATIENT'S DESIGNATED CAREGIVER AND PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA

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PURSUANT TO THIS CHAPTER.

(f) A DESIGNATION AS TO WHO WILL BE ALLOWED TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE IF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT OPERATING WITHIN TWENTY-FIVE MILES OF THE QUALIFYING PATIENT'S HOME.

B. THE APPLICATION FOR A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD SHALL ASK WHETHER THE PATIENT WOULD LIKE THE DEPARTMENT TO NOTIFY HIM OF ANY CLINICAL STUDIES NEEDING HUMAN SUBJECTS FOR RESEARCH ON THE MEDICAL USE OF MARIJUANA. THE DEPARTMENT SHALL NOTIFY INTERESTED PATIENTS IF IT IS NOTIFIED OF STUDIES THAT WILL BE CONDUCTED IN THE UNITED STATES.

**36-2804.03. Issuance of registry identification cards**

A. EXCEPT AS PROVIDED IN SUBSECTION B AND IN SECTION 36-2804.05, THE DEPARTMENT SHALL:

1. VERIFY THE INFORMATION CONTAINED IN AN APPLICATION OR RENEWAL SUBMITTED PURSUANT TO THIS CHAPTER AND APPROVE OR DENY AN APPLICATION OR RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR RENEWAL.

2. ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT AND HIS DESIGNATED CAREGIVER, IF ANY, WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL. A DESIGNATED CAREGIVER MUST HAVE A REGISTRY IDENTIFICATION CARD FOR EACH OF HIS QUALIFYING PATIENTS.

3. ISSUE EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT A REGISTRY IDENTIFICATION CARD AND LOG-IN INFORMATION FOR THE VERIFICATION SYSTEM WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL.

B. THE DEPARTMENT MAY NOT ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT WHO IS UNDER THE AGE OF EIGHTEEN UNLESS:

1. THE QUALIFYING PATIENT'S PHYSICIAN HAS EXPLAINED THE POTENTIAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA TO THE CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT.

2. A CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT SUBMITS A WRITTEN CERTIFICATION FROM TWO PHYSICIANS.

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3. THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT CONSENTS IN WRITING TO:

- (a) ALLOW THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.
- (b) SERVE AS THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.
- (c) CONTROL THE ACQUISITION OF THE MARIJUANA, THE DOSAGE AND THE FREQUENCY OF THE MEDICAL USE OF MARIJUANA BY THE QUALIFYING PATIENT.

C. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH OR INSULAR POSSESSION OF THE UNITED STATES THAT ALLOWS A VISITING QUALIFYING PATIENT TO POSSESS OR USE MARIJUANA FOR MEDICAL PURPOSES IN THE JURISDICTION OF ISSUANCE HAS THE SAME FORCE AND EFFECT WHEN HELD BY A VISITING QUALIFYING PATIENT AS A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT, EXCEPT THAT A VISITING QUALIFYING PATIENT IS NOT AUTHORIZED TO OBTAIN MARIJUANA FROM A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

**36-2804.04. Registry identification cards**

A. REGISTRY IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS SHALL CONTAIN ALL OF THE FOLLOWING:

- 1. NAME, ADDRESS AND DATE OF BIRTH OF THE CARDHOLDER.
- 2. A STATEMENT OF WHETHER THE CARDHOLDER IS A QUALIFYING PATIENT OR A DESIGNATED CAREGIVER.
- 3. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.
- 4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER, CONTAINING AT LEAST FOUR NUMBERS AND AT LEAST FOUR LETTERS, THAT IS UNIQUE TO THE CARDHOLDER.
- 5. IF THE CARDHOLDER IS A DESIGNATED CAREGIVER, THE RANDOM IDENTIFICATION NUMBER OF THE REGISTERED QUALIFYING PATIENT THE DESIGNATED CAREGIVER IS ASSISTING.
- 6. A PHOTOGRAPH OF THE CARDHOLDER.
- 7. A CLEAR INDICATION OF WHETHER THE CARDHOLDER HAS BEEN AUTHORIZED BY THIS CHAPTER TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE.

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B. REGISTRY IDENTIFICATION CARDS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL CONTAIN THE FOLLOWING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
2. A STATEMENT THAT THE CARDHOLDER IS A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
3. THE LEGAL NAME OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS AFFILIATED.
4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER THAT IS UNIQUE TO THE CARDHOLDER.
5. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.
6. A PHOTOGRAPH, IF THE DEPARTMENT DECIDES TO REQUIRE ONE.
- C. IF THE REGISTRY IDENTIFICATION CARD OF EITHER A QUALIFYING PATIENT OR THE PATIENT'S DESIGNATED CAREGIVER DOES NOT STATE THAT THE CARDHOLDER IS AUTHORIZED TO CULTIVATE MARIJUANA PLANTS, THEN THE DEPARTMENT MUST GIVE WRITTEN NOTICE TO THE REGISTERED QUALIFYING PATIENT, WHEN THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD IS ISSUED, OF THE NAME AND ADDRESS OF ALL REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

**36-2804.05. Denial of registry identification card**

- A. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD ONLY IF THE APPLICANT:
1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 13.
  2. DOES NOT PROVIDE THE INFORMATION REQUIRED.
  3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
  4. PROVIDES FALSE INFORMATION.
- B. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD IF THE APPLICANT:
1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 5.
  2. DOES NOT PROVIDE THE INFORMATION REQUIRED.

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3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.

4. PROVIDES FALSE INFORMATION.

C. THE DEPARTMENT MAY DENY A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IF:

1. THE AGENT APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801(10).

2. THE APPLICANT OR DISPENSARY DID NOT PROVIDE THE REQUIRED INFORMATION.

3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.

4. THE APPLICANT OR DISPENSARY PROVIDES FALSE INFORMATION.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK OF EACH DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICANT TO CARRY OUT THIS SECTION.

E. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

F. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE QUALIFYING PATIENT OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.

G. DENIAL OF AN APPLICATION OR RENEWAL IS CONSIDERED A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE FOR JUDICIAL REVIEW ARE VESTED IN THE SUPERIOR COURT.

**36-2804.06. Expiration and renewal of registry identification cards and registration certificates; replacement**

A. ALL REGISTRY IDENTIFICATION CARDS AND REGISTRATION CERTIFICATES EXPIRE ONE YEAR AFTER DATE OF ISSUE.

B. A REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE CANCELLED AND HIS ACCESS TO THE VERIFICATION SYSTEM SHALL BE DEACTIVATED UPON NOTIFICATION TO THE



DEPARTMENT BY A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NO LONGER EMPLOYED BY OR NO LONGER VOLUNTEERS AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. A RENEWAL NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE SHALL BE ISSUED WITHIN TEN DAYS OF RECEIPT OF THE PRESCRIBED RENEWAL APPLICATION AND RENEWAL FEE FROM A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IF ITS REGISTRATION CERTIFICATE IS NOT UNDER SUSPENSION AND HAS NOT BEEN REVOKED.

D. IF A CARDHOLDER LOSES HIS REGISTRY IDENTIFICATION CARD, HE SHALL PROMPTLY NOTIFY THE DEPARTMENT. WITHIN FIVE DAYS OF THE NOTIFICATION, AND UPON PAYMENT OF A TEN DOLLAR FEE, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM IDENTIFICATION NUMBER TO THE CARDHOLDER AND, IF THE CARDHOLDER IS A REGISTERED QUALIFYING PATIENT, TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER, IF ANY.

**36-2805. Facility restrictions**

A. ANY NURSING CARE INSTITUTION, HOSPICE, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT FOSTER CARE HOME LICENSED UNDER TITLE 36, CHAPTER 4, MAY ADOPT REASONABLE RESTRICTIONS ON THE USE OF MARIJUANA BY THEIR RESIDENTS OR PERSONS RECEIVING INPATIENT SERVICES, INCLUDING:

1. THAT THE FACILITY WILL NOT STORE OR MAINTAIN THE PATIENT'S SUPPLY OF MARIJUANA.
2. THAT THE FACILITY, CAREGIVERS OR HOSPICE AGENCIES SERVING THE FACILITY'S RESIDENTS ARE NOT RESPONSIBLE FOR PROVIDING THE MARIJUANA FOR QUALIFYING PATIENTS.
3. THAT MARIJUANA BE CONSUMED BY A METHOD OTHER THAN SMOKING.
4. THAT MARIJUANA BE CONSUMED ONLY IN A PLACE SPECIFIED BY THE FACILITY.

B. NOTHING IN THIS SECTION REQUIRES A FACILITY LISTED IN SUBSECTION A TO ADOPT RESTRICTIONS ON THE MEDICAL USE OF MARIJUANA.

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C. A FACILITY LISTED IN SUBSECTION A MAY NOT UNREASONABLY LIMIT A REGISTERED QUALIFYING PATIENT'S ACCESS TO OR USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER UNLESS FAILING TO DO SO WOULD CAUSE FACILITY TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

36-2806. Registered nonprofit medical marijuana dispensaries; requirements

A. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL BE OPERATED ON A NOT-FOR-PROFIT BASIS. THE BYLAWS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL CONTAIN SUCH PROVISIONS RELATIVE TO THE DISPOSITION OF REVENUES AND RECEIPTS TO ESTABLISH AND MAINTAIN ITS NONPROFIT CHARACTER. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY NEED NOT BE RECOGNIZED AS TAX-EXEMPT BY THE INTERNAL REVENUE SERVICE AND IS NOT REQUIRED TO INCORPORATE PURSUANT TO TITLE 10, CHAPTER 19, ARTICLE 1.

B. THE OPERATING DOCUMENTS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL INCLUDE PROCEDURES FOR THE OVERSIGHT OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AND PROCEDURES TO ENSURE ACCURATE RECORDKEEPING.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL HAVE A SINGLE SECURE ENTRANCE AND SHALL IMPLEMENT APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE THEFT OF MARIJUANA AND UNAUTHORIZED ENTRANCE INTO AREAS CONTAINING MARIJUANA.

D. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS PROHIBITED FROM ACQUIRING, POSSESSING, CULTIVATING, MANUFACTURING, DELIVERING, TRANSFERRING, TRANSPORTING, SUPPLYING OR DISPENSING MARIJUANA FOR ANY PURPOSE EXCEPT TO ASSIST REGISTERED QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA DIRECTLY OR THROUGH THE REGISTERED QUALIFYING PATIENTS' DESIGNATED CAREGIVERS.

E. ALL CULTIVATION OF MARIJUANA MUST TAKE PLACE IN AN ENCLOSED, LOCKED FACILITY AT A PHYSICAL ADDRESS PROVIDED TO THE DEPARTMENT DURING THE REGISTRATION PROCESS, WHICH CAN ONLY BE ACCESSED BY REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ASSOCIATED IN THE REGISTRY WITH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY

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ACQUIRE USABLE MARIJUANA OR MARIJUANA PLANTS FROM A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER ONLY IF THE REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER RECEIVES NO COMPENSATION FOR THE MARIJUANA.

G. A NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOT PERMIT ANY PERSON TO CONSUME MARIJUANA ON THE PROPERTY OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

H. REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES ARE SUBJECT TO REASONABLE INSPECTION BY THE DEPARTMENT. THE DEPARTMENT SHALL GIVE REASONABLE NOTICE OF AN INSPECTION UNDER THIS SUBSECTION.

**36-2806.01. Dispensary locations**

CITIES, TOWNS AND COUNTIES MAY ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES TO SPECIFIED AREAS IN THE MANNER PROVIDED IN TITLE 9, CHAPTER 4, ARTICLE 6.1, AND TITLE 11, CHAPTER 6, ARTICLE 2.

**36-2806.02. Dispensing marijuana for medical use**

A. BEFORE MARIJUANA MAY BE DISPENSED TO A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED QUALIFYING PATIENT, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ACCESS THE VERIFICATION SYSTEM AND DETERMINE FOR THE REGISTERED QUALIFYING PATIENT FOR WHOM THE MARIJUANA IS INTENDED AND ANY REGISTERED DESIGNATED CAREGIVER TRANSPORTING THE MARIJUANA TO THE PATIENT, THAT:

1. THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS VALID.
2. EACH PERSON PRESENTING A REGISTRY IDENTIFICATION CARD IS THE PERSON IDENTIFIED ON THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
3. THE AMOUNT TO BE DISPENSED WOULD NOT CAUSE THE REGISTERED QUALIFYING PATIENT TO EXCEED THE LIMIT ON OBTAINING NO MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA DURING ANY FOURTEEN-DAY PERIOD.

B. AFTER MAKING THE DETERMINATIONS REQUIRED IN SUBSECTION A, BUT BEFORE DISPENSING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A

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REGISTERED DESIGNATED CAREGIVER ON A REGISTERED QUALIFYING PATIENT'S BEHALF, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ENTER THE FOLLOWING INFORMATION IN THE VERIFICATION SYSTEM:

1. HOW MUCH MARIJUANA IS BEING DISPENSED TO THE REGISTERED QUALIFYING PATIENT.
2. WHETHER IT WAS DISPENSED DIRECTLY TO THE REGISTERED QUALIFYING PATIENT OR TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.
3. THE DATE AND TIME THE MARIJUANA WAS DISPENSED.
4. THE REGISTRY IDENTIFICATION CARD NUMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO DISPENSED THE MARIJUANA.

36-2807. Verification system

A. WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ESTABLISH A SECURE, PASSWORD-PROTECTED, WEB-BASED VERIFICATION SYSTEM FOR USE ON A TWENTY-FOUR HOUR BASIS BY LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO VERIFY REGISTRY IDENTIFICATION CARDS.

B. THE VERIFICATION SYSTEM MUST ALLOW LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO ENTER A REGISTRY IDENTIFICATION NUMBER AND VERIFY WHETHER THE NUMBER CORRESPONDS WITH A CURRENT, VALID IDENTIFICATION CARD.

C. THE SYSTEM SHALL DISCLOSE:

1. THE NAME OF THE CARDHOLDER, BUT MUST NOT DISCLOSE THE CARDHOLDER'S ADDRESS.

2. THE AMOUNT OF MARIJUANA THAT EACH REGISTERED QUALIFYING PATIENT RECEIVED FROM NONPROFIT MEDICAL MARIJUANA DISPENSARIES DURING THE PAST SIXTY DAYS.

D. THE VERIFICATION SYSTEM MUST INCLUDE THE FOLLOWING DATA SECURITY FEATURES:

1. ANY TIME AN AUTHORIZED USER ENTERS FIVE INVALID REGISTRY IDENTIFICATION NUMBERS WITHIN FIVE MINUTES, THAT USER CANNOT LOG IN TO THE SYSTEM AGAIN FOR TEN MINUTES.

2. A USER'S LOG-IN INFORMATION SHALL BE DEACTIVATED AFTER INCORRECT LOGIN ATTEMPTS UNTIL THE AUTHORIZED USER CONTACTS THE DEPARTMENT AND VERIFIES HIS IDENTITY.

3. THE SERVER MUST REJECT ANY LOG-IN REQUEST THAT IS NOT OVER AN ENCRYPTED CONNECTION.

36-2808. Notifications to department; civil penalty

A. A REGISTERED QUALIFYING PATIENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN THE REGISTERED QUALIFYING PATIENT'S NAME, ADDRESS, DESIGNATED CAREGIVER OR PREFERENCE REGARDING WHO MAY CULTIVATE MARIJUANA FOR THE REGISTERED QUALIFYING PATIENT OR IF THE REGISTERED QUALIFYING PATIENT CEASES TO HAVE HIS DEBILITATING MEDICAL CONDITION.

B. A REGISTERED DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN HIS NAME OR ADDRESS.

C. WHEN A CARDHOLDER NOTIFIES THE DEPARTMENT OF ANY CHANGES LISTED IN SUBSECTION A BUT REMAINS ELIGIBLE UNDER THIS CHAPTER, THE DEPARTMENT SHALL ISSUE THE CARDHOLDER A NEW REGISTRY IDENTIFICATION CARD WITH NEW RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBERS WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION AND A TEN-DOLLAR FEE. IF THE PERSON NOTIFYING THE DEPARTMENT IS A REGISTERED QUALIFYING PATIENT, THE DEPARTMENT SHALL ALSO ISSUE HIS REGISTERED DESIGNATED CAREGIVER, IF ANY, A NEW REGISTRY IDENTIFICATION CARD WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION.

D. IF THE REGISTERED QUALIFYING PATIENT'S CERTIFYING PHYSICIAN NOTIFIES THE DEPARTMENT IN WRITING THAT EITHER THE REGISTERED QUALIFYING PATIENT HAS CEASED TO SUFFER FROM A DEBILITATING MEDICAL CONDITION OR THAT THE PHYSICIAN NO LONGER BELIEVES THE PATIENT WOULD RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA, THE CARD IS VOID UPON NOTIFICATION BY THE DEPARTMENT TO THE QUALIFYING PATIENT.

E. WHEN A REGISTERED QUALIFYING PATIENT CEASES TO BE A REGISTERED QUALIFYING PATIENT OR CHANGES REGISTERED DESIGNATED CAREGIVER, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE FORMER DESIGNATED CAREGIVER THAT

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HIS DUTIES AND RIGHTS UNDER THIS CHAPTER AS TO THAT QUALIFYING PATIENT EXPIRE FIFTEEN DAYS AFTER NOTIFICATION BY THE DEPARTMENT IS SENT.

F. A REGISTERED QUALIFYING PATIENT, DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO FAILS TO COMPLY WITH SUBSECTION A OR B IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

**36-2809. Annual report**

THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT CARDHOLDERS, NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR PHYSICIANS BUT CONTAINS AT LEAST ALL OF THE FOLLOWING INFORMATION:

1. THE NUMBER OF REGISTRY IDENTIFICATION CARD APPLICATIONS AND RENEWALS.
2. THE NUMBER OF QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS APPROVED IN EACH COUNTY.
3. THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF THE QUALIFYING PATIENTS.
4. THE NUMBER OF REGISTRY IDENTIFICATION CARDS REVOKED.
5. THE NUMBER OF PHYSICIANS PROVIDING WRITTEN CERTIFICATIONS FOR QUALIFYING PATIENTS.
6. THE NUMBER OF REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
7. THE NUMBER OF NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS IN EACH COUNTY.

**36-2810. Confidentiality**

A. THE FOLLOWING INFORMATION RECEIVED AND RECORDS KEPT BY THE DEPARTMENT FOR PURPOSES OF ADMINISTERING THIS CHAPTER ARE CONFIDENTIAL, EXEMPT FROM TITLE 39, CHAPTER 1, ARTICLE 2, EXEMPT FROM SECTION 36-105 AND NOT SUBJECT TO DISCLOSURE TO ANY INDIVIDUAL OR PUBLIC OR PRIVATE ENTITY, EXCEPT AS NECESSARY FOR AUTHORIZED EMPLOYEES OF THE DEPARTMENT TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT PURSUANT TO THIS CHAPTER.

1. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING

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INFORMATION SUBMITTED BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS AND INCLUDING INFORMATION REGARDING THEIR DESIGNATED CAREGIVERS AND PHYSICIANS.

2. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING INFORMATION SUBMITTED BY OR ON BEHALF OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN COMPLIANCE WITH THIS CHAPTER, INCLUDING THE PHYSICAL ADDRESSES OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

3. THE INDIVIDUAL NAMES AND OTHER INFORMATION IDENTIFYING PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS.

B. ANY DISPENSING INFORMATION REQUIRED TO BE KEPT UNDER SECTION 36-2806.02, SUBSECTION B, OR DEPARTMENT REGULATION SHALL IDENTIFY CARDHOLDERS BY THEIR REGISTRY IDENTIFICATION NUMBERS AND NOT CONTAIN NAMES OR OTHER PERSONALLY IDENTIFYING INFORMATION.

C. ANY DEPARTMENT HARD DRIVES OR OTHER DATA RECORDING MEDIA THAT ARE NO LONGER IN USE AND THAT CONTAIN CARDHOLDER INFORMATION MUST BE DESTROYED. THE DEPARTMENT SHALL RETAIN A SIGNED STATEMENT FROM A DEPARTMENT EMPLOYEE CONFIRMING THE DESTRUCTION.

D. DATA SUBJECT TO THIS SECTION SHALL NOT BE COMBINED OR LINKED IN ANY MANNER WITH ANY OTHER LIST OR DATABASE AND IT SHALL NOT BE USED FOR ANY PURPOSE NOT PROVIDED FOR IN THIS CHAPTER.

E. NOTHING IN THIS SECTION PRECLUDES THE FOLLOWING NOTIFICATIONS:

1. DEPARTMENT EMPLOYEES MAY NOTIFY LAW ENFORCEMENT ABOUT FALSIFIED OR FRAUDULENT INFORMATION SUBMITTED TO THE DEPARTMENT IF THE EMPLOYEE WHO SUSPECTS THAT FALSIFIED OR FRAUDULENT INFORMATION HAS BEEN SUBMITTED HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.

2. THE DEPARTMENT MAY NOTIFY STATE OR LOCAL LAW ENFORCEMENT ABOUT APPARENT CRIMINAL VIOLATIONS OF THIS CHAPTER IF THE EMPLOYEE WHO SUSPECTS THE OFFENSE HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.

3. NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS MAY NOTIFY THE DEPARTMENT OF A SUSPECTED VIOLATION OR ATTEMPTED VIOLATION OF THIS CHAPTER OR DEPARTMENT RULES.

F. NOTHING IN THIS SECTION PRECLUDES SUBMISSION OF THE SECTION 36-

2809 REPORT TO THE LEGISLATURE. THE ANNUAL REPORT SUBMITTED TO THE LEGISLATURE IS SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.

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36-2811. Presumption of medical use of marijuana; protections; civil penalty

A. THERE IS A PRESUMPTION THAT A QUALIFYING PATIENT OR DESIGNATED CAREGIVER IS ENGAGED IN THE MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER.

1. THE PRESUMPTION EXISTS IF THE QUALIFYING PATIENT OR DESIGNATED CAREGIVER:

- (a) IS IN POSSESSION OF A REGISTRY IDENTIFICATION CARD.
- (b) IS IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT DOES NOT EXCEED THE ALLOWABLE AMOUNT OF MARIJUANA.

2. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT CONDUCT RELATED TO MARIJUANA WAS NOT FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION PURSUANT TO THIS CHAPTER.

B. A REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER IS NOT SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIAL OF ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU:

1. FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER, IF THE REGISTERED QUALIFYING PATIENT DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

2. FOR THE REGISTERED DESIGNATED CAREGIVER ASSISTING A REGISTERED QUALIFYING PATIENT TO WHOM HE IS CONNECTED THROUGH THE DEPARTMENT'S REGISTRATION PROCESS WITH THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER IF THE REGISTERED DESIGNATED CAREGIVER DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

3. FOR OFFERING OR PROVIDING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OR TO A REGISTERED NONPROFIT MEDICAL



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MARIJUANA DISPENSARY IF NOTHING OF VALUE IS TRANSFERRED IN RETURN AND THE PERSON GIVING THE MARIJUANA DOES NOT KNOWINGLY CAUSE THE RECIPIENT TO POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

C. A PHYSICIAN SHALL NOT BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY ACTION BY THE ARIZONA BOARD OF MEDICAL EXAMINERS OR BY ANY OTHER BUSINESS, OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, BASED SOLELY ON PROVIDING WRITTEN CERTIFICATIONS OR FOR OTHERWISE STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, A PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION, BUT NOTHING IN THIS CHAPTER PREVENTS A PROFESSIONAL LICENSING BOARD FROM SANCTIONING A PHYSICIAN FOR FAILING TO PROPERLY EVALUATE A PATIENT'S MEDICAL CONDITION OR OTHERWISE VIOLATING THE STANDARD OF CARE FOR EVALUATING MEDICAL CONDITIONS.

D. NO PERSON MAY BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, FOR:

1. PROVIDING A REGISTERED QUALIFYING PATIENT, A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH MARIJUANA PARAPHERNALIA FOR PURPOSES OF A QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.
2. BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER.
3. ASSISTING A REGISTERED QUALIFYING PATIENT WITH ADMINISTERING MARIJUANA AS AUTHORIZED BY THIS CHAPTER.

E. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT SUBJECT TO PROSECUTION; SEARCH OR INSPECTION, EXCEPT BY THE DEPARTMENT PURSUANT TO SECTION 36-2806, SUBSECTION H; SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR BUSINESS LICENSING BOARD OR ENTITY, FOR

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ACTING PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NOT SUBJECT TO ARREST, PROSECUTION, SEARCH, SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR ENTITY, FOR WORKING OR VOLUNTEERING FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

G. PROPERTY, INCLUDING ALL INTERESTS IN THE PROPERTY, OTHERWISE SUBJECT TO FORFEITURE UNDER TITLE 13, CHAPTER 39, THAT IS POSSESSED, OWNED OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER OR ACTS INCIDENTAL TO THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER, IS NOT SUBJECT TO SEIZURE OR FORFEITURE. THIS SUBSECTION DOES NOT PREVENT CIVIL FORFEITURE IF THE BASIS FOR THE FORFEITURE IS UNRELATED TO THE MEDICAL USE OF MARIJUANA.

H. MERE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD MAY NOT CONSTITUTE PROBABLE CAUSE OR REASONABLE SUSPICION, NOR MAY IT BE USED TO SUPPORT THE SEARCH OF THE PERSON OR PROPERTY OF THE PERSON POSSESSING OR APPLYING FOR THE REGISTRY IDENTIFICATION CARD. THE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD DOES NOT PRECLUDE THE EXISTENCE OF PROBABLE CAUSE IF PROBABLE CAUSE EXISTS ON OTHER GROUNDS.

I. NO SCHOOL, LANDLORD OR EMPLOYER MAY BE PENALIZED OR DENIED ANY BENEFIT UNDER STATE LAW FOR ENROLLING, LEASING TO OR EMPLOYING A

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REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER.

36-2812. Affirmative defense

A. EXCEPT AS PROVIDED IN SECTION 36-2802, A QUALIFYING PATIENT AND A QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA AS A DEFENSE TO ANY PROSECUTION OF AN OFFENSE INVOLVING MARIJUANA INTENDED FOR A QUALIFYING PATIENT'S MEDICAL USE, AND THIS DEFENSE SHALL BE PRESUMED VALID WHERE THE EVIDENCE SHOWS THAT:

1. A PHYSICIAN STATES THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE QUALIFYING PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

2. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE COLLECTIVELY IN POSSESSION OF A QUANTITY OF MARIJUANA THAT WAS NOT MORE THAN WAS REASONABLY NECESSARY TO ENSURE THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

3. ALL MARIJUANA PLANTS WERE CONTAINED IN AN ENCLOSED LOCKED FACILITY.

4. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE ENGAGED IN THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE OR TRANSPORTATION OF MARIJUANA, PARAPHERNALIA OR BOTH, RELATING TO THE ADMINISTRATION OF MARIJUANA SOLELY TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

B. A PERSON MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA IN A MOTION TO DISMISS, AND THE CHARGES SHALL BE DISMISSED FOLLOWING AN EVIDENTIARY HEARING WHERE THE PERSON SHOWS THE ELEMENTS LISTED IN

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SUBSECTION (A).

C. IF A QUALIFYING PATIENT OR A QUALIFYING PATIENT'S DESIGNATED CAREGIVER DEMONSTRATE THE QUALIFYING PATIENT'S MEDICAL PURPOSE FOR USING MARIJUANA PURSUANT TO THIS SECTION, THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER SHALL NOT BE SUBJECT TO THE FOLLOWING FOR THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA:

1. DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU.
2. FORFEITURE OF ANY INTEREST IN OR RIGHT TO NON-MARIJUANA, LICIT PROPERTY.

36-2813. Discrimination prohibited

A. NO SCHOOL OR LANDLORD MAY REFUSE TO ENROLL OR LEASE TO AND MAY NOT OTHERWISE PENALIZE A PERSON SOLELY FOR HIS STATUS AS A CARDHOLDER, UNLESS FAILING TO DO SO WOULD CAUSE THE SCHOOL OR LANDLORD TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

B. UNLESS A FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS, AN EMPLOYER MAY NOT DISCRIMINATE AGAINST A PERSON IN HIRING, TERMINATION OR IMPOSING ANY TERM OR CONDITION OF EMPLOYMENT OR OTHERWISE PENALIZE A PERSON BASED UPON EITHER:

1. THE PERSON'S STATUS AS A CARDHOLDER.
2. A REGISTERED QUALIFYING PATIENT'S POSITIVE DRUG TEST FOR MARIJUANA COMPONENTS OR METABOLITES, UNLESS THE PATIENT USED, POSSESSED OR WAS IMPAIRED BY MARIJUANA ON THE PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS OF EMPLOYMENT.

C. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A REGISTERED QUALIFYING PATIENT'S AUTHORIZED USE OF MARIJUANA MUST BE CONSIDERED THE EQUIVALENT OF THE USE OF ANY OTHER MEDICATION UNDER THE DIRECTION OF A PHYSICIAN AND DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A REGISTERED QUALIFYING PATIENT FROM MEDICAL CARE.

D. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING

TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON'S BEHAVIOR CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.

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**36-2814. Acts not required; acts not prohibited**

**A. NOTHING IN THIS CHAPTER REQUIRES:**

1. A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.

2. ANY PERSON OR ESTABLISHMENT IN LAWFUL POSSESSION OF PROPERTY TO ALLOW A GUEST, CLIENT, CUSTOMER OR OTHER VISITOR TO USE MARIJUANA ON OR IN THAT PROPERTY.

3. AN EMPLOYER TO ALLOW THE INGESTION OF MARIJUANA IN ANY WORKPLACE OR ANY EMPLOYEE TO WORK WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.

**B. NOTHING IN THIS CHAPTER PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MARIJUANA IN THE WORKPLACE OR WORKING WHILE UNDER THE INFLUENCE OF MARIJUANA.**

**36-2815. Revocation**

**A. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO VIOLATES SECTION 36-2804.01, SUBSECTION D, OR SECTION 36-2816, SUBSECTION B. THE DEPARTMENT SHALL SUSPEND OR REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT FOR OTHER VIOLATIONS OF THIS CHAPTER.**

**B. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRATION CERTIFICATE OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT VIOLATES SECTION 2816, SUBSECTIONS B OR C, AND ITS BOARD MEMBERS AND PRINCIPAL OFFICERS MAY NOT SERVE AS THE BOARD MEMBERS OR PRINCIPAL**

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OFFICERS FOR ANY OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. ANY CARDHOLDER WHO SELLS MARIJUANA TO A PERSON WHO IS NOT ALLOWED TO POSSESS MARIJUANA FOR MEDICAL PURPOSES UNDER THIS CHAPTER SHALL HAVE HIS REGISTRY IDENTIFICATION CARD REVOKED, AND SHALL BE SUBJECT TO OTHER PENALTIES FOR THE UNAUTHORIZED SALE OF MARIJUANA AND OTHER APPLICABLE OFFENSES.

D. THE DEPARTMENT MAY REVOKE THE REGISTRY IDENTIFICATION CARD OF ANY CARDHOLDER WHO KNOWINGLY VIOLATES THIS CHAPTER, AND THE CARDHOLDER SHALL BE SUBJECT TO OTHER PENALTIES FOR THE APPLICABLE OFFENSE.

E. REVOCATION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

**36-2816. Violations; civil penalty; classification**

A. A REGISTERED QUALIFYING PATIENT MAY NOT DIRECTLY, OR THROUGH HIS DESIGNATED CAREGIVER, OBTAIN MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA FROM REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN ANY FOURTEEN-DAY PERIOD.

B. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OR AGENT MAY NOT DISPENSE, DELIVER OR OTHERWISE TRANSFER MARIJUANA TO A PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY NOT ACQUIRE USABLE MARIJUANA OR MATURE MARIJUANA PLANTS FROM ANY PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER. A KNOWING VIOLATION OF THIS SUBSECTION IS A CLASS 2 FELONY.

D. IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON, INCLUDING AN EMPLOYEE OR OFFICIAL OF THE DEPARTMENT OR ANOTHER STATE AGENCY OR LOCAL GOVERNMENT, TO BREACH THE CONFIDENTIALITY OF INFORMATION OBTAINED PURSUANT TO THIS CHAPTER.

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E. MAKING FALSE STATEMENTS TO A LAW ENFORCEMENT OFFICIAL ABOUT ANY FACT OR CIRCUMSTANCE RELATING TO THE MEDICAL USE OF MARIJUANA TO AVOID ARREST OR PROSECUTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS, WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE STATEMENT OR FOR THE USE OF MARIJUANA OTHER THAN USE UNDERTAKEN PURSUANT TO THIS CHAPTER.

**36-2817. Medical marijuana fund; private donations**

A. THE MEDICAL MARIJUANA FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED, CIVIL PENALTIES IMPOSED AND PRIVATE DONATIONS RECEIVED UNDER THIS CHAPTER. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

B. THE DIRECTOR OF THE DEPARTMENT MAY ACCEPT AND SPEND PRIVATE GRANTS, GIFTS, DONATIONS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

C. MONIES IN THE MEDICAL MARIJUANA FUND DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A FISCAL YEAR.

**36-2818. Enforcement of this act; mandamus**

A. IF THE DEPARTMENT FAILS TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, ANY CITIZEN MAY COMMENCE A MANDAMUS ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A REGISTRY IDENTIFICATION CARD WITHIN FORTY-FIVE DAYS OF THE SUBMISSION OF A VALID APPLICATION OR RENEWAL, THE REGISTRY IDENTIFICATION CARD SHALL BE DEEMED ISSUED, AND A COPY OF THE REGISTRY IDENTIFICATION CARD APPLICATION OR RENEWAL IS DEEMED A VALID REGISTRY IDENTIFICATION CARD.

C. IF AT ANY TIME AFTER THE ONE HUNDRED FORTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS CHAPTER THE DEPARTMENT IS NOT ACCEPTING APPLICATIONS OR HAS NOT PROMULGATED RULES ALLOWING QUALIFYING PATIENTS TO SUBMIT APPLICATIONS, A NOTARIZED STATEMENT BY A QUALIFYING PATIENT CONTAINING THE INFORMATION REQUIRED IN AN APPLICATION PURSUANT TO SECTION

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36-2804.02, SUBSECTION A, PARAGRAPH 3, TOGETHER WITH A WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE NOTARIZED STATEMENT, SHALL BE DEEMED A VALID REGISTRY IDENTIFICATION CARD.

**36-2819. Fingerprinting requirements**

EACH PERSON APPLYING AS A DESIGNATED CAREGIVER, A PRINCIPAL OFFICER, AGENT OR EMPLOYEE OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MEDICAL MARIJUANA DISPENSARY AGENT SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THE MEDICAL MARIJUANA ACT AND ACTS PERMITTED BY IT. THE DEPARTMENT SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETED.

**Sec. 4.** Section 43-1201, Arizona Revised Statutes, is amended to read:

**43-1201. Organizations exempt from tax**

A. Organizations that are exempt from federal income tax under section 501 of the internal revenue code are exempt from the tax imposed under this title. In addition, the following organizations are exempt from the taxes imposed under this title, except as otherwise provided in this chapter:

1. Labor, agricultural or horticultural organizations, other than cooperative organizations.
2. Fraternal beneficiary societies, orders or organizations both:
  - (a) Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system.
  - (b) Providing for the payment of life, sick, accident or other benefits to the members of such society, order or organization or their dependents.
3. Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit or any corporation chartered for burial purposes and not permitted by its charter to engage in any business not necessarily related to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual member thereof.
4. Corporations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net



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earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

5. Business leagues, chambers of commerce, real estate boards or boards of trade, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

6. Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare or local organizations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.

7. Clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

8. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom and turning over the entire amount of such income, less expenses, to an organization which itself is exempt from the tax imposed by this title.

9. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organizations or their dependents, if both of the following apply:

(a) No part of their net earnings inures, other than through such payments, to the benefit of any private shareholder or individual.

(b) Eighty-five per cent or more of the income consists of amounts collected from members and amounts contributed to the organization by the employer of the members for the sole purpose of making such payments and meeting expenses.

10. Teachers' or public employees' retirement fund organizations of a purely local character, if both of the following apply:

(a) No part of their net earnings inures to the benefit of any private shareholder or individual, other than through payment of retirement benefits.

(b) The income consists solely of amounts received from public taxation, amounts received from assessments upon the salaries of members and income in respect of investments. For the purposes of this paragraph, "public employees" means employees of the state and its political subdivisions.

11. Religious or apostolic organizations or corporations, if such organizations or corporations have a common treasury or community treasury, even if such corporations or organizations engage in business for the common benefit of the members, but only if the members thereof include, at the time of filing their returns, in their Arizona gross income their pro rata shares, whether distributed or not, of the

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net income of the organizations or corporations for such year. Any amount so included in the Arizona gross income of a member shall be treated as a dividend received.

12. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organization, their dependents or their designated beneficiaries, if both of the following apply:

(a) Admission to membership in such organization is limited to individuals who are officers or employees of the United States government.

(b) No part of the net earnings of such organization inures, other than through such payments, to the benefit of any private shareholder or individual.

13. Corporations classified as diversified management companies under section 5 of the federal investment company act of 1940 and registered as provided in that act.

14. Insurance companies paying to the state tax upon premium income derived from sources within this state.

15. Mutual ditch, irrigation or water companies or similar nonprofit organizations if eighty-five per cent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

16. Workers' compensation pools established pursuant to section 23-961.01.

B. NONPROFIT MEDICAL MARIJUANA DISPENSARIES UNDER TITLE 36, CHAPTER 28.1, ARE EXEMPT FROM THE TAXES IMPOSED UNDER THIS TITLE.

Sec. 5. Conditional repeal; notice

A. Section 36-2812, Arizona Revised Statutes, as added by this act, is repealed as of the date the Arizona department of health services begins to issue registry identification cards to qualifying patients and designated caregivers.

B. The Arizona department of health services shall notify, in writing, the director of the Arizona legislative council of this date.

Sec. 6. Exemption from rule making

For the purposes of this act, the Department is exempt from the rule making requirements of Title 41, Chapter 6, Arizona Revised Statutes, for one year after the effective date of this act except that the Department shall provide the public with an opportunity to comment on proposed rules and shall publish otherwise exempted rules.

Sec. 7. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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**Zoning Ordinance Update – 8-TA-2010  
Non-profit Medical Marijuana  
Community Involvement Plan and Report**

**Report.**

The open house meetings were held, one on November 29, 2010 at the One Civic Center building and the other on November 30, 2010 at the City Hall Kiva where the City of Scottsdale office is located. A 1/8-page advertisement was published in the local newspaper to advise the community of the open house meetings. A post card mailing was sent to individuals, interested parties, and community members.

The purpose of those meetings was to provide notification and obtain community input in order to draft a Zoning Ordinance text. Over 100 attendees provided contact information and additional attendees were present but did not provide contact information. The open house comment cards are attached. Staff has received numerous phone calls and the phone call log is attached. There were a few requests for individual meetings to discuss the topic. Much of the correspondence and input from the community has been from medical marijuana industry advocates and less participation has been received from Scottsdale home owners/residents.

The following types of comment were received:

- Put dispensaries in safe, inviting places where patients would want to do business.
- Do not limit the uses too much.
- Convenience and accessibility are important factors for dispensary locations.
- The uses are similar to commercial uses.
- Understand the cultivation operations – warehouses, functions.
- Security of marijuana uses is needed.
- Protect schools.
- Allow home delivery.
- Consider Conditional Use Permit with operational requirements.

**Plan.**

A minimum of two open house meetings will be held for input and discussion of background and concepts. The key proposal is to update the Zoning Ordinance to include regulations for Non-profit Medical Marijuana. In addition the effort will address ordinance language clean-up for spelling, numbering, capitalization, etc..

The community will be made aware of Open House meetings through newspaper advertising, internet posting, and postcard mailings. The internet will be updated periodically as new documents are prepared and provided to the community.



# Zoning Ordinance Update

November 30, 2010

Name: Ryan Toronto

Address: \_\_\_\_\_

Phone: 602-820-6673

E-mail: Ryangtoronto@yahoo.com

Would you like to be added to an e-mail subscription list for updates on this project?

Yes ☒ No ☐

Please provide your comments:

I believe the dispensary licensing selection process should be done via an evaluation process of applications based on the merits and legitimacy of the applicants, their ability to deliver the medical marijuana in a safe, ethical, and accountable fashion, according to the guidelines outlined by the state. First come, first serve or a lottery would not ensure that capable & ethical business people deliver these products/services.

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

Name: Monica Bohlman

Address: 264 N. 50th Pl  
Phx, AZ 85018

Phone: \_\_\_\_\_

E-mail: gast mbohlman12cox.net

Would you like to be added to an e-mail subscription list for updates on this project?

Yes ☒ No ☐

Please provide your comments:

The best point made was by the lawyer who brought up the cost of the medical marijuana being prohibitive and the need for making it affordable by allowing patients to grow their own. This will not be an option in any urban area. Maybe I am not understanding caregiver cultivation?

8-TA-2010

Medical Marijuana

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# Zoning Ordinance Update

November 30, 2010

|   |   |
|---|---|
| <p><b>Name:</b> <u>JOHN LAPOWE</u></p> <p><b>Address:</b> <u>501 W. 12th Avenue DR</u><br/><u>PHOENIX AZ 85021</u></p> <p><b>Phone:</b> <u>602 909 9792</u></p> <p><b>E-mail:</b> <u>jlapowe@jela-az.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p><b>Please provide your comments:</b></p> <p>* AN INDUSTRIAL USE FOR CULTIVATION</p> <p>* A RETAIL USE FOR SALES</p> <p>* EXISTING ZONING DISTRICTS SHOULD SUFFICE</p> <p>* NOT A HOME BASED USE, TOO MUCH TRAFFIC, AS OTHER SIMILAR EXISTING HOME BASED USES.</p> <p>AS AN ARCHITECT, I AM HAPPY TO OFFER TO SERVE AS A PROFESSIONAL ON YOUR COMMITTEE</p> |
|---|---|

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

|  |  |
|--|--|
| <p><b>Name:</b> <u>SHADI ZAKI</u></p> <p><b>Address:</b> _____</p> <p><b>Phone:</b> <u>4803/60245</u></p> <p><b>E-mail:</b> <u>thegreenleafaz@gmail.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p><b>Please provide your comments:</b></p> <p>ALLOW CAREGIVERS TO ACT AS VENDORS TO DISPENSARIES BY SELLING ANY AMT THAT THEIR PATIENTS DON'T NEED. THIS WAY THEIR PATIENTS CAN GET FREE MEDS AND CAREGIVERS CAN RECOVER COSTS THROUGH SELLING TO THE DISPENSARIES.</p> |
|--|--|

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

Name: Billy Stevenson  
Address: 19202 N 4th St  
Phoenix AZ 85024  
Phone: (602) 405 1159  
E-mail: BStevensonRN@gmail.com  
Would you like to be added to  
an e-mail subscription list for  
updates on this project?

Yes ☒ No ☐

Please provide your comments:

With each Patient allowed to have up  
to 5oz of marijuana and a proposed 2  
dispensaries in Scottsdale w/ 1000+ pts  
per dispensary that presents 10,000oz possible  
per month in over generous conditions  
and dispensaries producing 16oz per plant  
with Federal law stating no more than  
99 plants 2 grow facilities could  
produce 3200oz per month forcing  
pts to go to the black market with  
out a decent number of grow facilities

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

Name: Nathan Stevenson  
Address: 19202 N 4th  
St Phoenix AZ 85024  
Phone: (602) 405-1159  
E-mail: AZsin2010@gmail.com

Would you like to be added to  
an e-mail subscription list for  
updates on this project?

Yes ☐ No ☐

Please provide your comments:

25mile rule is preventing the  
people who cant afford cannabis  
from getting their treatment

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

|   |   |
|---|---|
| <p>Name: <u>Guy Baker</u></p> <p>Address: <u>700 N. Coronado #200 Chandler, AZ 85224</u></p> <p>Phone: <u>520-275-1345</u></p> <p>E-mail: <u>gbmp1@hotmail.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>There is a danger of referring a dispensary as a pharmacy. This may involve another regulatory board that has nothing to do with Scottsdale + D.H.S. Public notice to successful businesses may hinder the accessibility to patients of other businesses oppose.</u></p> |
|---|---|

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

|   |   |
|---|---|
| <p>Name: <u>Anthony Melvin</u></p> <p>Address: <u>2009 E. 5th St STE 5</u></p> <p>Phone: <u>480-430-1734</u></p> <p>E-mail: <u>MOTHER EARTH DISPENSARIES@gmail.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>I AM OFFERING GROW CONSULTANTS AND/OR TO BE A MEDICAL MARIJUANA GROWER FOR ALL DISPENSARIES IN ALL CITIES NOT LIMITED TO SCOTTSDALE. AND I OFFER MY GROWING EXPERTISE TO PATIENTS OR CAREGIVERS PLUS TO ANY AND ALL DISPENSARIES. I WILL OFFER CAREGIVING TO PATIENTS &amp; A CAREGIVER SERVICE TO PATIENTS.</u></p> |
|---|---|

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.





# Zoning Ordinance Update

November 30, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>SANDY BAWEY</u>  | <b>Please provide your comments:</b><br><u>Little regulation — Limit</u><br><u>FEES. Limit government</u> |
| <b>Address:</b> <u>PO BOX 80064</u><br><u>PHX AZ 85060</u>   |   |
| <b>Phone:</b> <u>602 957-7374</u>  |   |
| <b>E-mail:</b> <u>SANDY.BAWEY@</u><br><u>YAHOO.COM</u>   |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |                                      |
|--|--------------------------------------|
| <b>Name:</b> <u>ROBERT MATHISON</u>  | <b>Please provide your comments:</b> |
| <b>Address:</b> <u>1230 E. PRESIDIO</u><br><u>RD. PHX AZ 85022</u>   |                                      |
| <b>Phone:</b> <u>602 677 2717</u>  |                                      |
| <b>E-mail:</b> <u>RMATHISON37@</u><br><u>GMAIL.COM</u>   |                                      |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |                                      |

## 8-TA-2010 Medical Marijuana

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# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>Patrick H. Harrell</u><br><u>MD.</u>   | <b>Please provide your comments:</b><br><u>Keep zoning under C2/C3</u><br><u>Keep dispensary's separate from grow house</u> |
| <b>Address:</b> <u>11441 N. 19th</u><br><u>Ave #1 Phx AZ 85029</u>   |   |
| <b>Phone:</b> <u>480-371-5069</u>  |   |
| <b>E-mail:</b> <u>Steven Stylez@</u><br><u>gmail.com</u>   |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

## 8-TA-2010 Medical Marijuana

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# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>M. McGeough</u>  | <b>Please provide your comments:</b><br><u>I Believe Medical Marijuana Dispensary</u><br><u>Should Be Easy to Access to the Patient.</u><br><u>I Don't Believe there will Be any</u><br><u>more Risk than a Pharmacy or gun</u><br><u>Store, I Hope there will no Be</u><br><u>much Restriction when it comes</u><br><u>to Location.</u> |
| <b>Address:</b> <u>5314 W Desert</u><br><u>Cove Ave. Glendale AZ 85301</u>   |  |
| <b>Phone:</b> <u>744</u>   |  |
| <b>E-mail:</b> <u>Alhambra1381@yahoo.com</u><br><u>ALHAMBRA1381@YAHOO.COM</u>  |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |

## 8-TA-2010 Medical Marijuana

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# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>Michael Kasparian</u>  | <b>Please provide your comments:</b><br><u>great information tonight.</u><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> _____<br>_____   |  |
| <b>Phone:</b> <u>520 431 0215</u>  |  |
| <b>E-mail:</b> <u>m.kasparian8</u><br><u>mkasparian8@gmail.com</u>   |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |

## 8-TA-2010 Medical Marijuana

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# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>Kevin Hardin</u>   | <b>Please provide your comments:</b><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> <u>2701 E Camelback</u><br><u>Suite 150</u>  |   |
| <b>Phone:</b> <u>602-774-3757</u>  |   |
| <b>E-mail:</b> <u>KHardin@ThomsonLawPLC.com</u>  |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>Brian Berg</u>   | <b>Please provide your comments:</b><br><br><u>Clinic like, Not Drug Den</u><br><u>E-3 OK for Zoning</u> |
| <b>Address:</b> <u>7844 E.</u><br><u>CORONADO RD</u>   |  |
| <b>Phone:</b> <u>480-922-4993</u>  |  |
| <b>E-mail:</b> <u>SEASON TO SEASON</u><br><u>@msn.com</u>  |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>SANDY BANEY</u>  | <b>Please provide your comments:</b><br><br><u>Let zoning be wherever the</u><br><u>dispenser or grower wants to</u><br><u>as long as it's zoned commercial</u><br><u>Don't invent problems. No restriction</u><br><u>until a problem occurs</u><br><br><u>Let a caregiver alone - a few</u><br><u>plants won't bother anyone - it's</u><br><u>a weed No restrictions</u> |
| <b>Address:</b> <u>PO BOX 80064</u><br><u>PHX AZ 85060</u><br><u>602 957-7374</u>  |   |
| <b>Phone:</b> <u>602 910 7980</u>  |   |
| <b>E-mail:</b> <u>SANDY BANEY@</u><br><u>YAHOO.COM</u>   |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.

8-TA-2010



## Zoning Ordinance Update

November 29, 2010

|   |   |
|---|---|
| <b>Name:</b> _____  | <b>Please provide your comments:</b><br><br>YOU WANT TO PROTECT<br>YOURSELVES FROM SMOKEING MARI<br>DISPENSARIES<br><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> _____<br>_____  |   |
| <b>Phone:</b> _____   |   |
| <b>E-mail:</b> _____  |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br><br>Yes <input type="checkbox"/> No <input type="checkbox"/> |   |

### 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



## Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>Michelle Thornton</u>  | <b>Please provide your comments:</b><br><br>This product has been legalized and<br>therefore should not be restricted<br>by location to patients.<br><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> <u>1452 W. La Jolla Dr.</u><br><u>Tempe, AZ 85282</u>  |  |
| <b>Phone:</b> <u>(480) 343-1467</u>  |  |
| <b>E-mail:</b> <u>nikkiwithhouse@</u><br><u>gmail.com</u>  |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |

### 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <p>Name: <u>Aaron Chindet</u></p> <p>Address: <u>15600 N. Frank Blvd</u><br/><u>Wright Blvd # 1177</u></p> <p>Phone: _____</p> <p>E-mail: <u>achindet@cot.net</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>Please don't limit our options for grow</u><br/><u>&amp; dispensing. We want to operate a</u><br/><u>safe &amp; secure business in a safe &amp; secure</u><br/><u>part of town.</u></p> |
|--|--|

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|   |   |
|---|---|
| <p>Name: <u>GREG MATTHEWSON</u></p> <p>Address: _____</p> <p>Phone: <u>480-463-5905</u></p> <p>E-mail: <u>dbackg@hotmail.com</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>Grow-Cultivation location MUST</u><br/><u>HAVE THE OPTION TO ALSO</u><br/><u>DISPENSE.</u></p> |
|---|---|

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>GEORGIA CEFELLI</u>  | <b>Please provide your comments:</b><br><u>go green</u><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> <u>3419 N Rose Park</u><br><u>Scott AZ 85251</u>   |  |
| <b>Phone:</b> _____  |  |
| <b>E-mail:</b> <u>georgiac760@</u><br><u>gmail.com</u>   |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>JBA MOTER</u>  | <b>Please provide your comments:</b><br><u>DRIVE</u><br>_____<br><u>PLEASE EMAIL STATE NOTES</u><br><u>AND OPEN HOUSE</u><br><u>FROM</u><br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> <u>3419 N. ROSE CIRCLE</u><br><u>SCOTT, AZ 85261</u>   |   |
| <b>Phone:</b> <u>480-363-3813</u>  |   |
| <b>E-mail:</b> <u>JBA59@COM.NET</u>  |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|   |   |
|---|---|
| <b>Name:</b> <u>CHRIS MEDILL</u>  | <b>Please provide your comments:</b><br><u>Good forum, looking forward to the</u><br><u>updated zoning information.</u> |
| <b>Address:</b> _____   | _____   |
| <b>Phone:</b> _____   | _____   |
| <b>E-mail:</b> <u>CHRISMEDILL@MSN.COM</u>   | _____   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b> | _____   |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                           | _____   |

## 8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|   |   |
|---|---|
| <b>Name:</b> <u>A. Schorger</u>   | <b>Please provide your comments:</b><br><u>CONSIDER HEALTH CARE LOCATIONS, AND</u><br><u>RETIREMENT COMMUNITIES (N. SCOTTSDALE). I</u><br><u>FEEL HAVING A DISPENSARY NEAR 90TH AND</u><br><u>VIA LINDA AND THE SCOTTSDALE HEALTH CARE</u><br><u>BUILDING THERE. FOR ZONING FOR THE ACTUAL</u><br><u>DISPENSARY I RECOMMEND C-3, C-4 AND</u><br><u>FOR CULTIVATION I RECOMMEND INDUSTRIAL</u><br><u>AND AGRICULTURAL USE. WITH THAT SAID</u><br><u>IF ONE LOCATION IS LOCATED IN N. SCOTTSDALE</u><br><u>THEN THE OTHER SHOULD BE LOCATED IN</u><br><u>S. SCOTTSDALE. THE OTHER OPTION FOR</u><br><u>THE LOCATIONS OF THE DISPENSARIES IS</u> |
| <b>Address:</b> _____   | _____   |
| <b>Phone:</b> <u>480-399-2902</u>   | _____   |
| <b>E-mail:</b> <u>aschorger@yahoo.com</u>   | _____   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b> | _____   |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                           | _____   |

## 8-TA-2010 Medical Marijuana





# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>LUKAS MEDINA</u>   | <b>Please provide your comments:</b><br><u>Send form, looking forward to the</u><br><u>updated zoning information.</u> |
| <b>Address:</b> _____  | _____  |
| <b>Phone:</b> _____  | _____  |
| <b>E-mail:</b> <u>LUKAS.MEDINA@MKN.COM</u>   | _____  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | _____  |

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>A. Schorger</u>  | <b>Please provide your comments:</b><br><u>CONSIDER HEALTH CARE LOCATIONS, AND</u><br><u>RETIREMENT COMMUNITIES (N. SCOTTSDALE). I</u><br><u>FEEL HAVING A DISPENSARY NEAR 90TH AND</u><br><u>VIA LINDA AND THE SCOTTSDALE HEALTH CARE</u><br><u>BUILDING THERE. FOR ZONING FOR THE ACTUAL</u><br><u>DISPENSARY I RECOMMEND C-3, C-4 AND</u><br><u>FOR CULTIVATION I RECOMMEND INDUSTRIAL</u><br><u>AND AGRICULTURAL USE. WITH THAT SAID</u><br><u>IF ONE LOCATION IS LOCATED IN N. SCOTTSDALE</u><br><u>THEN THE OTHER SHOULD BE LOCATED IN</u><br><u>S. SCOTTSDALE. THE OTHER OPTION FOR</u><br><u>THE LOCATIONS OF THE DISPENSARIES IS</u> |
| <b>Address:</b> _____  | _____   |
| <b>Phone:</b> <u>480-399-2902</u>  | _____   |
| <b>E-mail:</b> <u>aschorger@yahoo.com</u>  | _____   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | _____   |

8-TA-2010

Medical Marijuana



# Zoning Ordinance Update

November 29, 2010

|   |   |
|---|---|
| <b>Name:</b> Heidi Koerner NMV  | <b>Please provide your comments:</b>  |
| <b>Address:</b>   | I feel that the dispensaries + cultivation sites should be conveniently located in retail areas |
| <b>Phone:</b> 480 694 9626  | Also to help guard against abuse all dispensaries should have a medical director                |
| <b>E-mail:</b> drheidi@cox.net  |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b> |   |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                           |   |

8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|   |  |
|---|--|
| <b>Name:</b> Paula Whelan   | <b>Please provide your comments:</b>                               |
| <b>Address:</b> 8230 E. Sutton Dr.  | -accessibility is key  |
| <b>Phone:</b> 480-664-2461  | -adequate parking  |
| <b>E-mail:</b> pwhelan3@cox.net   |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b> |  |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                           | GET A BIGGER ROOM TOMORROW W/ A MICROPHONE FOR SPEAKER & QUESTIONS |

8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

*Dalgarn*

|  |  |
|--|--|
| <p>Name: <u>Greg &amp; Cindy</u></p> <p>Address: <u>11030 N. Sundown</u><br/><u>Scottsdale 85260</u></p> <p>Phone: <u>602-622-3897</u></p> <p>E-mail: <u>gc.dalgarn@cox.net</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>It is our firm belief that patients will want to be discreet when obtaining med marijuana. Patients will know what they want and will not be sitting around in a waiting room for very long time. Security and discreetness of the facility are of great importance. There needs to be a website to network between dispensaries, local law enforcement agencies and ADHS to avoid <del>some</del> confusion <del>between</del> <del>the</del> <del>patients</del> of who can legally obtain the med marijuana. The <del>at</del> Scottsdale Art park</u></p> |
|--|--|

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.

*→*



# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <p>Name: <u>Celeste Nichols</u></p> <p>Address: _____</p> <p>Phone: _____</p> <p>E-mail: <u>Celeste.nichols</u><br/><u>@cox.net</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>I believe the dispensary should be similar to a pharmacy with the same zoning regulations</u></p> |
|--|--|

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

*Dalgarn*

Name: Greg & Cindy  
 Address: 11030 N. Sunderland  
Scottsdale 85260  
 Phone: 602-622-3897  
 E-mail: gc.dalgarn@cox.net

Would you like to be added to  
 an e-mail subscription list for  
 updates on this project?

Yes ☒ No ☐

Please provide your comments:

*It is our firm belief that patients will want to be discreet when obtaining med marijuana. Patients will know what they want and will not be sitting around in a waiting room for very long time. Security and discreetness of the facility are of great importance. There needs to be a website to network between dispensaries, local law enforcement agencies and ADHS to avoid ~~some~~ confusion ~~about~~ ~~the~~ ~~process~~ of who can legally obtain the med marijuana. The Scottsdale Arizona*

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.

7



# Zoning Ordinance Update

November 29, 2010

Name: Celeste Nichols  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 E-mail: Celeste.nichols  
@cox.net

Would you like to be added to  
 an e-mail subscription list for  
 updates on this project?

Yes ☒ No ☐

Please provide your comments:

*I believe the dispensary should be similar to a pharmacy with the same zoning regulations*

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

Name: Michelle Wilson  
Address: 6521 E Thunder  
bird Rd, Scottsdale, AZ  
85254  
Phone: \_\_\_\_\_  
E-mail: LEXPEP4@yahoo.com

Would you like to be added to  
an e-mail subscription list for  
updates on this project?

Yes ☒ No ☐

Please provide your comments:

- allow deliveries  
- commercial/industrial  
for growing & dispensing  
- allow cultivation/dispensing in  
same facility  
- consider zoning similar to  
pharmacy, liquor store  
- care given should be home business  
since it would not be affordable  
(this is probably not relevant  
since most will be inside 25 mile radius)

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

Name: Gail Esposito  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: gailesposito@  
mac.com

Would you like to be added to  
an e-mail subscription list for  
updates on this project?

Yes ☒ No ☐

Please provide your comments:

The dispensary should have  
a separated waiting room for  
those who may have drove the  
patient or if you have your  
family with you.

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

Name: Desiree

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: desmarciniak@g.com

Would you like to be added to an e-mail subscription list for updates on this project?

Yes ☒ No ☐

Please provide your comments:

define how dispensary will be able to supply baked goods - other consumables for those patients that can't smoke it - ie children elderly other  
 ? mandated by Maricopa County Health Code, Kitchen packaging, etc. Inspects.  
 Dispensary to allow for mfg (dual) purpose. Dispense & mfg - controls transportation

8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.

# Zoning Ordinance Update

November 29, 2010

Name: Mike A.

Address: Scottsdale

Phone: 480-399-9772

E-mail: lauren@Alcompassioncare.com

Would you like to be added to an e-mail subscription list for updates on this project?

Yes ☒ No ☐

Please provide your comments:

Keep zoning similar to liquor stores  
 - away from schools, daycare, etc  
 In-line retail - security concerns especially if grow is on-site  
 Keep growing off-site in inconspicuous location for security concerns  
 Place on-hand limits for quantities kept on-site

8-TA-2010 Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |  |
|--|--|
| <p>Name: <u>Dr Denette King</u></p> <p>Address: <u>512 E Southern Ave, Ste D, Tempe</u></p> <p>Phone: <u>602-750-5039</u></p> <p>E-mail: <u>dr_king@cox.net</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
|--|--|

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <p>Name: <u>JASON REIS</u></p> <p>Address: <u>11710 E. DESERT VISTA DR</u></p> <p>Phone: <u>480-797-4243</u></p> <p>E-mail: <u>JASON@530X.COM</u></p> <p>Would you like to be added to an e-mail subscription list for updates on this project?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Please provide your comments:</p> <p><u>KUDOS TO KYRA THE MEDIATOR</u></p> <p><u>SHE WAS PATIENT &amp; CARING.</u></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
|--|---|

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

|   |                                      |
|---|--------------------------------------|
| <b>Name:</b> DENIS A. WIZ   | <b>Please provide your comments:</b> |
| <b>Address:</b> 10044 N. 5th<br>Paradise Valley, AZ 85253                                     | NEED TO FIND OUT HOW                 |
| <b>Phone:</b> 480.250.9000  | GLAD TO BE INVOLVED                  |
| <b>E-mail:</b> DWIZ@AZMAIL.NET  | THAT MAY BE DIFFERENT altogether     |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b> | WHAT IS DISTANCE FROM                |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                           | STREETS & CHANGES going to change    |
|   | OR SIMILAR TO LOCAL BOARD            |

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

|   |                                      |
|---|--------------------------------------|
| <b>Name:</b> Ryan Hanninen  | <b>Please provide your comments:</b> |
| <b>Address:</b> 957 W La Jolla Dr<br>Tempe, AZ 85282  | Are you looking for volunteers?      |
| <b>Phone:</b> 630-862-4179  |                                      |
| <b>E-mail:</b> nrider602@gmail.com  |                                      |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b> |                                      |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                           |                                      |

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.





# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>Sue Wilson</u>   | <b>Please provide your comments:</b><br><u>BETTER Control of meeting. ONE</u><br><u>PERSON STUCK ON HIS OWN.</u><br><u>DESIRES AND MANIPULATED MFG.</u> |
| <b>Address:</b> <u>1261 E Camino Pinto</u><br><u>Scottsdale, AZ 85260</u>  |   |
| <b>Phone:</b> _____  |   |
| <b>E-mail:</b> <u>sw85260@gmail.com</u>  |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

**8-TA-2010 Medical Marijuana**

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 29, 2010

|  |   |
|--|---|
| <b>Name:</b> <u>Aaron Brochard</u>   | <b>Please provide your comments:</b><br><u>Public gatherings are scary. I could say</u><br><u>"I'm tired" and 5 people will disagree.</u> |
| <b>Address:</b> <u>7215 E Whistling</u><br><u>Wind Way Scottsdale AZ, 85255</u>  |   |
| <b>Phone:</b> <u>602 762-4134</u>  |   |
| <b>E-mail:</b> <u>aaronbrochard@yahoo.com</u>  |   |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |

**8-TA-2010 Medical Marijuana**

Please note that this comment card will be part of the public record for this case.





# Zoning Ordinance Update

November 30, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>Chad Pastiak</u>   | <b>Please provide your comments:</b><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> _____  |  |
| <b>Phone:</b> _____  |  |
| <b>E-mail:</b> <u>chadpastiak@hotmail.com</u>  |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br><b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> |  |

**8-TA-2010**

**Medical Marijuana**

*Please note that this comment card will be part of the public record for this case.*



# Zoning Ordinance Update

November 30, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>Delcina Betts</u>  | <b>Please provide your comments:</b><br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| <b>Address:</b> _____<br><u>maricopa county</u>  |  |
| <b>Phone:</b> <u>520 262 2430</u>  |  |
| <b>E-mail:</b> <u>delcinabetts@gmail.com</u>   |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br><b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> |  |

**8-TA-2010**

**Medical Marijuana**

*Please note that this comment card will be part of the public record for this case.*



# Zoning Ordinance Update

November 30, 2010

|  |  |
|--|--|
| <b>Name:</b> <u>JIM GRANT</u>  | <b>Please provide your comments:</b><br><u>SUIT 1</u><br><br><u>COPY 2680 E. MONTAUK LANE</u><br><u>PHOENIX AZ 85050</u> |
| <b>Address:</b> <u>281 E. EARL DR</u><br><u>SCOTTSDALE, AZ 85250</u>   |  |
| <b>Phone:</b> <u>480 990 9606</u>  |  |
| <b>E-mail:</b> <u>JIM@DIVERSIFIED-ASSET.COM</u>  |  |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



# Zoning Ordinance Update

November 30, 2010

|  |                                      |
|--|--------------------------------------|
| <b>Name:</b> <u>MARLA ELLERMAN</u>   | <b>Please provide your comments:</b> |
| <b>Address:</b> <u>7281 E EARL DR</u><br><u>SCOTTSDALE, AZ 85250</u>   |                                      |
| <b>Phone:</b> <u>480 231 5880</u>  |                                      |
| <b>E-mail:</b> <u>MARLA@ELLERMAN.COM</u>   |                                      |
| <b>Would you like to be added to an e-mail subscription list for updates on this project?</b><br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |                                      |

8-TA-2010

Medical Marijuana

Please note that this comment card will be part of the public record for this case.



Medical Marijuana 8-TA-2010 Open House  
November 29, 2010  
Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: BRIAN BERG Phone: 480 922 4993  
Address: 7844 E CORONADO RD  
E-mail: SEASON TO SEASON @ MSN.COM  
Affiliation: \_\_\_\_\_

Name: J B AMSTER Phone: 480-363-3013  
Address: 3419 N. ROSE CIRCLE DRIVE  
E-mail: JBA59 @ COX.NET  
Affiliation: \_\_\_\_\_

Name: Mary Lou Waldburger Phone: (602) 509-4426  
Address: 8390 E. Via de Ventura F110, Scottsdale 85258  
E-mail: mwaldburge@aol.com  
Affiliation: \_\_\_\_\_

Name: GEORGIA CIFELLI Phone: 602-689-3619  
Address: 3419 N Rose Circle Dr Scott AZ 85251  
E-mail: georgia6760@gmail.com  
Affiliation: \_\_\_\_\_

Name: Leonard Bergstein Phone: 602-769-2824  
Address: 599 E Palo Verde St. Gilbert, AZ 80299  
E-mail: olddog3006@hotmail.com  
Affiliation: \_\_\_\_\_

Name: TRACY Smith Phone: 602-432-6377  
Address: 3201 E. Georgia Thruway Ac 85018  
E-mail: MRTracySmith@hotmail.com  
Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
November 29, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Diana Chindet Phone: 623 987 9266  
Address: 7929 W Via Del Sol  
E-mail: bringtogether@gmail.com  
Affiliation: \_\_\_\_\_

Name: Aaron Chindet Phone: 480-310-8844  
Address: 15600 N Frank Lloyd Wright Blvd #1177 Scottsdale 85260  
E-mail: achindet@cox.net  
Affiliation: \_\_\_\_\_

Name: Michelle Thornton Phone: (480) 343-1467  
Address: 1452 W La Jolla Dr. Tempe AZ 85282  
E-mail: nikiwithoutacause@gmail.com  
Affiliation: \_\_\_\_\_

Name: Michael Kasparian Phone: 520.431.0215  
Address: 5350 W. Bell rd Glendale, AZ. 85308  
E-mail: mkasparian8@gmail.com  
Affiliation: \_\_\_\_\_

Name: SANDY BANEY Phone: 602 957-7374  
Address: PO BOX 80064 PHX AZ 85066  
E-mail: SANDY BANEY @ YAHOO.COM  
Affiliation: interested

Name: Gerold Gaines Phone: 480-488-0531  
Address: 40679 N. 107 ST  
E-mail: GAINES@TRILICORAMMTCOM  
Affiliation: TRILICORAM MEDICAL INSTITUTION LLC



Medical Marijuana 8-TA-2010 Open House  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Dr. Patrick H. Harrell Phone: 602-870-4229  
Address: 11441 N. 19th Ave #2 Phoenix AZ 85029  
E-mail: StevenStylez@gmail.com  
Affiliation: \_\_\_\_\_

Name: Stanislav Mirzayev "Stan" Phone: 623 332 4930  
Address: 7182 W. Lamar Rd.  
E-mail: Stan Mirzayev @ gmail, com  
Affiliation: \_\_\_\_\_

Name: Beth Duckett Phone: \_\_\_\_\_  
Address: 8800 C. Raintree  
E-mail: Beth.Duckett @ arizonarepublic.com  
Affiliation: Reporter

Name: Dr. Donette King Phone: \_\_\_\_\_  
Address: 512 E Southern Ave, Tempe 85282  
E-mail: dr-king @cox.net  
Affiliation: physician

Name: JASON REIS Phone: 480-797-4243  
Address: 11710 E. DESERT VISTA DR.  
E-mail: JASON @ 530X.COM  
Affiliation: \_\_\_\_\_

Name: Nick DeDona Phone: 480-586-4096  
Address: 1984 E Hermosa Dr. Tempe AZ 85282  
E-mail: NDeDona @asu.edu  
Affiliation: ASU Urban Planning and Land Development



Medical Marijuana 8-TA-2010 Open House  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: PERRY STONE Phone: 37310 652 2222  
Address: 3150 E Blandsly Ave #1100 PHX 85050  
E-mail: INFO@Z6IMPRINTS.COM  
Affiliation: GUEST

Name: Kathryne Lane Phone: 480/802/9833  
Address: 790 W. Macaw Dr  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: Joseph Kendall Phone: 480 209 0718  
Address: 3100 S. Pecos  
E-mail: pharigone@gmail.com  
Affiliation: \_\_\_\_\_

Name: Michael Woodams Phone: 480-862-3011  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: Arizona State

Name: Ben Siegart Phone: 623-210-5283  
Address: 4738 W. Villa Theresa Dr. Glendale AZ 85308  
E-mail: \_\_\_\_\_  
Affiliation: Public

Name: Nicholas CAPROIA Phone: 480-626-8887  
Address: 3411 N 139th WAY SCOTTSDALE AZ 85262  
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Affiliation: PUBLIC





Medical Marijuana 8-TA-2010 Open House  
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Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: BARRY LIGHT Phone: 602-791-6550

Address: \_\_\_\_\_

E-mail: BARRYLIGHT@COX.NET

Affiliation: \_\_\_\_\_

Name: ROSCOE LIGHT Phone: 480 529 2697

Address: \_\_\_\_\_

E-mail: roscoelightretail.com

Affiliation: \_\_\_\_\_

Name: Paul Dionne Phone: (202) 258-9508

Address: 602 S. College Ave Tempe, AZ 85281

E-mail: pdionne@gmail.com

Affiliation: \_\_\_\_\_

Name: Rod Ryan Phone: 623 979 5400

Address: 13269 N 71st dr

E-mail: Rod@RodRyan.com

Affiliation: \_\_\_\_\_

Name: Marena Arenas <sup>Apt #1422</sup> Phone: 623 203 8283

Address: 815 N 52nd St Phx AZ 85008

E-mail: marena.arenas@asu.edu

Affiliation: \_\_\_\_\_

Bobby Thrasher  
530 East McDowell  
Unit 107-495  
Phx AZ 85004

(602) 324-4684

bthrasher@thrasherjonsek.com



Medical Marijuana 8-TA-2010 Open House  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Morgan Glassco Phone: 480-628-4576  
Address: 1930 E Hayden Ln #117, Tempe, AZ 85281  
E-mail: Morgan@Thishop.org  
Affiliation: Herbal Collective

Name: Matt Ronnfeldt Phone: 602-741-4499  
Address: 9122 E Evans  
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Affiliation: \_\_\_\_\_

Name: JOHN C. LITTLE Phone: 480-720-4777  
Address: 13952 E. GERARD RD.  
E-mail: john.l.hleaz@aol.com  
Affiliation: \_\_\_\_\_

Name: RODGER GUISTA Phone: 801-652-6229  
Address: 8143 W. 9765 S. S. JORDAN UT  
E-mail: rodgerguista@hotmail.com  
Affiliation: PLEASE PUT ME ON MAIL LIST

Name: Shaina Begay Phone: (928) 614-4160  
Address: 1255 E. University DR  
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Affiliation: \_\_\_\_\_

Name: Cathy Cabernach Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: CatherineCabernach@gmail.com  
Affiliation: \_\_\_\_\_

*Mr*



Medical Marijuana 8-TA-2010 Open House  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: DENIS A. HIZ Phone: 480 250 9088

Address: 10044 N. 58th Pl.

E-mail: DENZ@SCOTTSDALE.COM

Affiliation: ARCHITECT / DEVELOPER

Name: Dolores Martinez Phone: 480 994-5550

Address: 7720 E. Heatherbrae Av. # 11 Scottsdale, AZ

E-mail: happier@hotmail.com 85257

Affiliation: \_\_\_\_\_

Name: Philip Schlemmer Phone: 480-251-3333

Address: 1642 N. Doran St. Mesa, AZ

E-mail: phil.schlemmer@hotmail.com

Affiliation: \_\_\_\_\_

Name: Ricky Anderson Phone: 602 571 4027

Address: 2320 W. Ponderosa Ln PHX 85023

E-mail: RickyAnderson@gmail.com

Affiliation: \_\_\_\_\_

Name: RON SERAFINI Phone: 602 315 0916

Address: 8507 E. VIA DE LOS LIBROS

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Affiliation: \_\_\_\_\_

Name: Phillip Hernandez Phone: (520) 11045200

Address: 6714 E. Holly St Scottsdale AZ

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
November 30, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: DAVID Gallagher Phone: \_\_\_\_\_  
Address: 5853 E. FENLON RD Mesa  
E-mail: AZ ADDICTION @ yahoo.com  
Affiliation: ARTP inc

Name: JONATHAN SCHNAIBLE Phone: 623-262-2129  
Address: 12640 W. WOOD DR SURPRISE AZ 85388  
E-mail: Jonny@THEShop.org  
Affiliation: \_\_\_\_\_

Name: Timothy P Burns Phone: 480 544 4643  
Address: 6991 E. Camelback Road  
E-mail: TimothyPburns@burnsbrosbrothersholoring.com  
Affiliation: Burns Brothers/Center Point

Name: Billy Stevenson Phone: 602 405 1159  
Address: 19202 N 11th St Phx AZ 85024  
E-mail: BStevenson RN @ gmail.com  
Affiliation: \_\_\_\_\_

Name: Nathan Stevenson Phone: \_\_\_\_\_  
Address: 4025 E. Surrey Ave Phx AZ 85032  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: Steve Sadler Phone: 602 465-0794  
Address: \_\_\_\_\_  
E-mail: SJS-1540 @ yahoo.com  
Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Erica Rivera Phone: \_\_\_\_\_  
Address: 513 N. Sagvado  
E-mail: emvera@asu.edu  
Affiliation: Student

Name: Masha Chizhik Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: masha.chizhik@asu.edu  
Affiliation: Student

Name: Carmello Musarra Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: CarmelloMusarra@asu.edu  
Affiliation: Student

Name: Dave Schuster Phone: \_\_\_\_\_  
Address: 7031 E Pasedo Scottsdale AZ 85254  
E-mail: Schusterdave@aol.com  
Affiliation: \_\_\_\_\_

Name: Cody Ammons Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: azmanga@aol.com  
Affiliation: \_\_\_\_\_

Name: Alexander Inick Phone: 602 588-4438  
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E-mail: 6601 E Indian Blvd #11 PV AZ 85258  
Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
November 30, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: SANDY BANEY Phone: (602) 957-7374  
Address: PO BOX 80064 PHX AZ 85060 602 910-7980  
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Affiliation: \_\_\_\_\_

Name: LAUREN A. Phone: (480) 399-9772  
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Affiliation: AZ COMPASSIONATE CARE

Name: LENN PRITCHARD Phone: 602 708-8550  
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Affiliation: \_\_\_\_\_

Name: SHADI ZAKI Phone: \_\_\_\_\_  
Address: ~~2017~~ 2017 N. 81ST PL 85257  
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Affiliation: THE GREEN LEAF - AZMM

Name: JASON MEDAR Phone: 602 295 770  
Address: 4133 N 19th ave  
E-mail: Jaspm@azpatients.com  
Affiliation: AZ Patients Association

Name: AARON BERG Phone: 602 349 3090  
Address: 11706 N 131ST ST  
E-mail: arberg07@gmail.com  
Affiliation: \_\_\_\_\_



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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: LEE OBENAUER Phone: 480-703-5594

Address: \_\_\_\_\_

E-mail: ToNoid4us@yahoo.com

Affiliation: Self-Patient, Passive Observer

Name: Ravin Butler Phone: \_\_\_\_\_

Address: Scottsdale 85254

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: Monica Bohman Phone: \_\_\_\_\_

Address: Phoenix, AZ

E-mail: mbohman1@acox.net

Affiliation: \_\_\_\_\_

Name: Larry Glick Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: Lglick54@yahoo.com

Affiliation: \_\_\_\_\_

Name: Thad Switzenberg Phone: \_\_\_\_\_

Address: Scottsdale, 85250

E-mail: tswitzer@ASU.edu

Affiliation: \_\_\_\_\_

Name: Daniel Sheldon Phone: \_\_\_\_\_

Address: 3106. South Las Feliz Tempe AZ 85282

E-mail: Dssheldo@aol.com

Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Chad Post Phone: \_\_\_\_\_  
Address: 9600 N. 96<sup>th</sup> St. Scottsdale, AZ 85258  
E-mail: \_\_\_\_\_  
Affiliation: none

Name: Michele Hammond Phone: 602-463-4081  
Address: 6750 E. Camelback Rd #100  
E-mail: mhe@berrydamore.com  
Affiliation: zoning atty / planner

Name: Grant Goldberg Phone: 623-523-1794  
Address: \_\_\_\_\_  
E-mail: gag911@live.com  
Affiliation: none

Name: Diversified Asset Mgt <sup>Jim Grant</sup> Phone: 480-990-9606  
Address: 2660 E MOHAWK LANE, PITX, AZ  
E-mail: JIM@DIVERSIFIED-ASSET.COM  
Affiliation: 7281 E EARL DR SCOTTSDALE, AZ 85050

Name: MSE MARILYN <sup>MARILYN ELLERMAN</sup> Phone: 602-315-8808  
Address: 5632 E 61st Ave SD AZ 85254  
E-mail: MARILYN@MARILYNELLERMAN.COM  
Affiliation: 7281 E EARL DR SD AZ 85050

Name: James Adelman Phone: 602-399-4799  
Address: \_\_\_\_\_  
E-mail: Jamesadelman@aol.com  
Affiliation: \_\_\_\_\_





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November 30, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: HERNAN REDONADO Phone: 480-668-2838

Address: 1544 W 1ST ST. MESA AZ 85201

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: Michele Kubby Phone: 928-778-6667

Address: \_\_\_\_\_

E-mail: michele.kubby@gmail.com

Affiliation: Amsterdam University

Name: LEE WARREN Phone: 480-946-1839

Address: 8780 E. McKellips #3 Scottsdale AZ 85257

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: Jamaal Warren Phone: \_\_\_\_\_

Address: 8780 E. McKellips #3 Scottsdale AZ

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: Tamara Warren Phone: 480-946-1859

Address: 8780 E. McKellips lot 3 Scottsdale, AZ 85257

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: Jon Levenson Phone: 480 238 5651

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E-mail: JHLevenson@cox.net

Affiliation: \_\_\_\_\_

JOHN LAROWE  
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jlarowe@1elg-az.com  
602 909 9792



Medical Marijuana 8-TA-2010 Open House  
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Name: MICHAEL BLAIRE Phone: 480-221-8511  
Address: 7901 E. McDowell Rd Scottsdale AZ 85267  
E-mail: mike@Blaire2010.com  
Affiliation: PROPERTY OWNER

Name: Anthony McLain Phone: 480-430-1734  
Address: 2809 E. 5th St Ste #5 Tempe, AZ 85281  
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Affiliation: PRIVATE / DISPENSARY / GROWER

Name: Ellen Filler Phone: (602) 224-6111  
Address: 2312 W. Linder Ave. #5 Mesa, AZ 85202  
E-mail: ellenf@cox.net  
Affiliation: \_\_\_\_\_

Name: Charles Filler Phone: 480 348-2266  
Address: 7721 E VALLEY VISTA LN  
E-mail: CAF1@COX.NET  
Affiliation: \_\_\_\_\_

Name: Andrew Engel Phone: 480-299-3838  
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E-mail: ANDREW ENGEL2007@yahoo.com  
Affiliation: \_\_\_\_\_

Name: ALAN LIGHT Phone: 480-621-7908  
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Affiliation: PROPERTY OWNER

Denise Bale 602-635-8728  
16280 N. 7th St. #2354

Phoenix, AZ 85022  
Asize. Indscripted



Medical Marijuana 8-TA-2010 Open House  
November 30, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Dr. Denette King Phone: \_\_\_\_\_  
Address: 512 E Southern Ave, Ste D, Tempe, AZ 85282  
E-mail: dr.king@cox.net  
Affiliation: physician

Name: JASON REIS Phone: 480-797-4243  
Address: 11710 E. DESERT VISTA DR.  
E-mail: JASON@530X.COM  
Affiliation: \_\_\_\_\_

Name: Heidi Koerner Phone: 480 694 9626  
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Affiliation: physician

Name: Michael Kasparian Phone: 520 431 0215  
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E-mail: mkasparian8@gmail  
Affiliation: \_\_\_\_\_

Name: MARZALBERG, IV Phone: NA  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: Doug Daly Phone: 602-903-6625  
Address: 17015 N. Scottsdale Rd. Suite 13 Scottsdale AZ 85235  
E-mail: doug Daly@gmail  
Affiliation: \_\_\_\_\_



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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Guy Baker Phone: 520-275-1345  
Address: 700 N. Coronado Candler, AZ  
E-mail: gbmp1@kcfmail.com  
Affiliation: citizen/student

Name: Brian Hamm Phone: 480-452-3314  
Address: 8501 E San Felipe Scottsdale, AZ  
E-mail: bhamm218@gmail.com  
Affiliation: citizen/student

Name: Marisol Lopez Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: Orean383sun@yahoo.com  
Affiliation: \_\_\_\_\_

Name: Ryan Toronto Phone: 480-966-3131  
Address: \_\_\_\_\_  
E-mail: Ryangtoronto@yahoo.com  
Affiliation: \_\_\_\_\_

Name: Dr. Jansie Phone: 480-358-8161  
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Affiliation: citizen

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_



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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Cynthia Berg Phone: 480-221-0025  
Address: 11206 N 131st ST  
E-mail: 4-abcde@cox.net  
Affiliation: \_\_\_\_\_

Name: Ryan Hanninen Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: nrider602@gmail.com  
Affiliation: \_\_\_\_\_

Name: MARK THARP Phone: ~~720~~ 602-620-6025  
Address: 8814 N. 85th PL. SCOTTSDALE AZ 85258  
E-mail: MARK@THARP@YAHOO.COM  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
November 29, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: ROBERT MATHISON Phone: 602 677 2717  
Address: 1230 E. PRESIDIO RD PHX AZ 85022  
E-mail: R.MATHISON37@GMAIL.COM  
Affiliation: NONE

Name: Leith Colambik Phone: 480-577-7666  
Address: 11773 E. Mariposa Grande  
E-mail: lsc69@hotmail.com  
Affiliation: None

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_



Medical Marijuana 8-TA-2010 Open House  
November 30, 2010  
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Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Phyllis Smiley Phone: \_\_\_\_\_  
Address: 7466 E Windrose  
E-mail: phlsmiley@gmail.com  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

**8-TA-2010 – Medical Marijuana  
Phone Call Log**

**PLEASE NOTE FORMAT:**

**Name**            **Affiliation (business name, interest – resident, etc.)**  
                     **Address, City, State, Zip**  
                     **Phone**  
                     **E-mail**

**Interest/summary of conversation.**

---

**November 29, 2010**

---

Randy Tisk      Land Advisors  
                     480-874-4327

He has a dispensary combo use with whole foods, pharmacy, medical marijuana dispensary use. His concept is for high-end communities. –kw

---

Richard May    Medmar MMD  
                     480-710-1256

Called Richard, informed him of the open house meeting/time/date/place. He has a business interest. –kw

---

Randy Tiss      Land Advisors  
                     480-874-4327

Called Randy and left a voice message that the open house meetings are scheduled, he may attend, or call me back (left my phone number for his convenience). –kw

---

Jaclyn Kelley    Walter Chrontite School of Journalism and Mass Media  
                     480-266-8626

Media interview about Medical Marijuana. –kw

---

Tim Burns       Burns Brothers  
                     480-544-4643

Returned Tim's call, he wanted copy of draft ord. and staff report. Will e-mail mass mailing on Friday/date of PC report publication. –kw

---



**November 17, 2010**

---

Beth Deckett   Arizona Republic  
602-444-6876

Returned Beth's call, left her a message to e-mail me here questions so that I can respond. -kw

---

Leslie Zavos   NAI Horizons  
Commercial Real Estate Broker  
2944 N. 44<sup>th</sup> Street Ste. 200  
Phoenix, AZ 85018  
602-454-2708 (ph)  
Leslie.zavos@naihorizons.com

Looking for a site for her client from Michigan. Shared with her the open house meetings. Question about clinics where doctors "screen" people and write prescriptions as a doctor's office with no marijuana on site. -kw

---

Don Hendersen PO Box 3687  
Incline Village, Nevada 89450  
775-338-8410 (ph)

Interested party, wants to know about operating. Cellular call was dropped. -kw

---

Brady Rayden   949-500-5454 (ph)  
Runs the Laguna Natural Healing, Equal Meds, North County Healing in California.  
Want to open a dispensary. Didn't want to be on the mailing list. He said he would call back after the Open House meetings are completed. -kw

---

Celia Wilson   7261 E. Camino Santo  
Scottsdale, AZ 85260

602-214-2346 (ph)  
Sw85260@gmail.com

Owns property in Phoenix, wants to open dispensary in the airport. Dispensary should be in a commercial area, uses should be protected (homes, schools, etc.). There are not many places in Scottsdale that are completely commercial area. State rule of 500-feet seems reasonable but should also include parks. Dispensary for patients with identity cards, anyone else is asked to leave. Concern is that kids next to the activity would be inappropriate. The business should not be visible to kids. Business. -kw

---

Sue Sisley, MD   12622 N. 81<sup>st</sup> Street  
Scottsdale, AZ 85260  
480-326-6023 (ph)  
suesisley@aol.com

Board Member of Arizona Medical Association. Member, ADHS Commission working on Proposition 203 rules. Resident of Scottsdale. -kw

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Tom Dean      Attorney  
323 N. Leroux St.  
Flagstaff, AZ 86001  
929-247-6132  
attydean@gmail.com

Has own clients and is working with the League of Arizona Cities model ordinance effort. Licensed doctor couldn't be on same site as dispensary. Patients will, per Proposition 203, be initially growing their own before dispensary can open doors because of timing contained in the Proposition. Andrew Myer, Executive Director of the Arizona Medical Marijuana Policy Project – the Marijuana Policy Project is the umbrella organization. -kw

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Albert Zargaryan      Business  
1059 Irving Ave.  
Glendale, CA 91201  
818-736-1003  
albertzar@gmail.com

Works for a dispensary, wants to have business in Scottsdale. – kw

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**November 22, 2010**

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Ed Grant      COS Planning Commissioner  
602-236-6883

Has requested that the Scottsdale City Clerk provide the vote tally related to Proposition 203 that occurred within the City of Scottsdale. Grant will be contacting an attorney in California and an attorney in Colorado regarding their experiences with medical marijuana. – sv

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**November 23, 2010**

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Ryan Levesque      Senior Planner  
City of Tempe

Questions regarding COS draft text amendment, including provisions for separation distances for dispensary and cultivation facilities, and conditional use permit. COT Development Review Commission will review item at public hearing on November 23, with action expected in December, and COT City Council action in January. – sv

## **Lebovitz, Brandon**

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**From:** Wauwie, Kira  
**Sent:** Thursday, December 02, 2010 8:42 AM  
**To:** Lebovitz, Brandon  
**Subject:** FW: Medical Marijuana Dispensaries In Arizona  
**Attachments:** MMD.doc

For the file – note attachment too.

**From:** [LindaSonder@aol.com](mailto:LindaSonder@aol.com) [mailto:LindaSonder@aol.com]  
**Sent:** Thursday, December 02, 2010 8:17 AM  
**To:** Wauwie, Kira  
**Subject:** Medical Marijuana Dispensaries In Arizona

Kira Wauwie, AICP,  
Project Coordinator Liaison  
City of Scottsdale

Dear Ms. Wauwie,

Being the owner and manager of two specialized medical clinics in Arizona, I noted with interest the possibility of the passage of Prop 203 and subsequent availability of Medical Marijuana to patients in Arizona suffering from certain diagnosed medical conditions. As a businessperson, potential MMD operator, and the spouse of a physician who has been involved in clinical trials regarding the usage of Medical Marijuana to treat symptoms of chronically ill patients, I have traveled to neighboring states to view current MMD practices and have made the following conclusions:

Medical Marijuana is available in bordering states, such as California and Colorado. Unfortunately, during the several trips and interviewing sessions I was involved in, I did not see a Medical Marijuana Dispensary that was based upon a traditional medical pharmacy or dispensary business model. MMD's in those states appeared to be "Head Shops" that sold and displayed marijuana variations and smoking devices. Signs displayed images of "burning joints", growing marijuana plants, and such. Names of the MMD's and their advertisements sometimes had the words "High", "Smoky", "Herbs", "Hemp" and other street-slang references to marijuana. Giving out "free samples" of the medicine was a common promotional practice.

Staff in those MMD's tended to be dressed very casually in T-shirts touting marijuana. They were referred to as "Budtenders". While I understand the background and underground history of marijuana would tend to foster some of these practices, I also know that my 84-year-old-mother would never enter one of those dispensaries and certainly would not feel free sharing her medical marijuana needs and concerns with a young T-shirted pierced and tattooed employee in such a casual setting.

To me, allowing MMD's to continue suggesting the past history of "pot" and "underworld" settings defeats the purpose of a valid attempt to make Medical Marijuana available to chronically and critically ill AZ patients, as voted by the citizens of Arizona.

My concept of an Arizona Medical Marijuana Dispensary is one which is closer to a traditional pharmacy such as Walgreen's or a CVS. Sans neon flashing signs, logos and pictures of "pot", the MMD's could provide comfortable, safe, professional offices that the elderly and/or chronically ill would be comfortable to enter and purchase their medicine.

Please find attached document of suggested "Best Practices" for Arizona Medical Marijuana Dispensaries.

Respectfully submitted for consideration,

Linda Sonder

[Lindasonder@aol.com](mailto:Lindasonder@aol.com)

602-619-8888

## Best Practices' Recommendations for Medical Marijuana Dispensaries in Arizona

### Staffing Recommendations:

Each MMD is to have a Medical Director (with appropriate credentials) to review new patient charts, insuring specific medicine needs are optimum for each patient's particular recommendations from their personal health care provider. The Medical Director will also review established patient charts periodically after each patient visit to the dispensary. Questions that the patient may ask that are beyond the scope of the technician's training are to be forwarded to either the dispensary Medical Director for comment, or to another physician that provides consultation for the dispensary.

Staff members are to be neat and dressed appropriately as for any pharmacy or medical office. T-shirts displaying pictures of marijuana, smoking, street slang for marijuana etc., are prohibited.

All staff are to be over 21 years of age and have undergone appropriate training, as per the recommendation of the Medical Director.

Qualified customers are referred to as "Patients". The staff assisting the patients with their purchases are to be referred to as "Technician", or "Patient Consultant".

### Facility Recommendations:

Each facility should have a brightly lit lobby that provides a safe and secure milieu for MM patients.

Security cameras and security systems throughout the facility are required.

MM is to be stored in a locked, secured, fire-safe vault, of an approved grade that would discourage or eliminate burglaries, and/or robberies.

Neon signs prohibited.

Signs (interior and exterior) shall not display pictures of marijuana, "smoking marijuana cigarettes", words that recall street slang, usage of marijuana, its effects, etc.

Lobby windows and the lobby itself shall not have the marijuana medicine on display, nor any marijuana paraphernalia or devices that may be sold for smoking, ingesting, etc.

Once the patient enters the lobby of the MMD they are only able to progress beyond the lobby after their authorization card is validated, as well as an additional personal identification card (such as a driver's license) to the Receptionist who is behind a secured wall.

The dispensary provides patient consultation rooms to insure that a patient may speak in private with their technician/consultant and review their medicine options without fear of being embarrassed or seen by the general public or by other patients.

Medicine may be displayed within the private patient consultation rooms in order for the technician to display options for the patients. Smoking and/or ingesting paraphernalia may be on display within the patient consultation rooms only.

The medicine shall be inventoried on a daily basis with all daily sales and medicine accounted for prior to being stored in the vault/safe.

"Samples" of the MM will not be shared with patients. Promotions offering "free samples" will not be allowed. All sales of MM will be entered into the DOH data pool and documented, not only into the state data pool, but also the MMD business records.

## Lebovitz, Brandon

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From: Wauwie, Kira  
Sent: Wednesday, December 01, 2010 8:11 AM  
To: Lebovitz, Brandon  
Subject: FW: Medical Marijuana Delivery for homebound/terminal patients

For the file.

-----Original Message-----

From: [misterniceguyaz@gmail.com](mailto:misterniceguyaz@gmail.com) [<mailto:misterniceguyaz@gmail.com>]  
Sent: Tuesday, November 30, 2010 5:56 PM  
To: Wauwie, Kira  
Subject: Medical Marijuana Delivery for homebound/terminal patients

Hi Kira-

Just wanted to address an important and unresolved issue re: zoning.

As Prop 203 is meant to be a fully "medical" marijuana program, it is important to address an un-represented and under-served segment of the community-terminal and homebound patients (cancer, MS, Alzheimer's and other 203-approved illnesses).

The sickest patients, the ones who need this medication the most, tend to be either unable to get to their dispensary to pick up their meds, or at the very least find it problematic. Some are totally bedbound, disabled, don't own a car, or simply want to avoid the stigma of being seen entering and exiting dispensaries. Who will serve them? Do they not deserve their medication just as much as everyone else?

The answer: discreet, tightly controlled, regulated, well-monitored home/hospice delivery.

This is not a new concept: there are over 80 perfectly legal, nonprofit medical marijuana dispensaries that offer delivery services in CO and over 150 in CA (<http://thegreencross.org> is a great example).

The main issues opponents of medical marijuana have with dispensaries are:

- 1) Concerns over increased crime at and around dispensaries
- 2) Traffic/parking issues at dispensaries
- 3) Proximity to schools/churches/community centers
- 4) The public "eyesore" and property value issues with having a medical MJ dispensary in the community.

A delivery service addresses all these issues and solves all of these problems. It also provides discretion and a cloak of invisibility to a dispensary--while still complying with all of Prop 203's provisions and the DHS regulatory controls.

Walgreens, CVS, and many other pharmacies offer delivery through a well-regulated system including picture IDs, verification, etc. That same model can and should be applied to medical marijuana, especially since the conditions covered sometimes include patients who are unable to even leave their house.

I'd like to discuss the concept in further detail, including safeguards to insure transparency, compliance and legality.

G. B. Robbins  
CEO, Mr. Nice Guy, Inc.

A non-profit corporation dedicated to serving Arizona's homebound and terminally ill patients.

WEB - <http://www.MrNiceGuyAZ.com>

FACEBOOK - <http://www.facebook.com/mrniceguyaz>

TWITTER - <http://www.twitter.com/mrniceguyaz>

MYSpace - <http://www.myspace.com/mrniceguyaz>

YOUTUBE - <http://www.youtube.com/user/mrniceguyazdotcom>



**Lebovitz, Brandon**

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**From:** Wauwie, Kira  
**Sent:** Tuesday, November 30, 2010 2:54 PM  
**To:** Lebovitz, Brandon  
**Subject:** FW: Zoning for Med-MJ

**Importance:** High

For the fie.

**From:** Bergstein [<mailto:bergstein@qwestoffice.net>]  
**Sent:** Tuesday, November 30, 2010 2:03 PM  
**To:** Wauwie, Kira  
**Subject:** Zoning for Med-MJ  
**Importance:** High

## **M E M O**

**TO:** [keauwie@scottsdaleaz.gov](mailto:keauwie@scottsdaleaz.gov)

**FROM:** Leonard A Bergstein

**DATE:** 11/30/2010

**SUBJECT:** Zoning for Med-MJ

I would like to suggest that you consider the number of lights used as a guideline for the various zoning regulations. As the law allows only for indoor grows, the vast majority of growers will be using HID (high intensity discharge) lamps, usually 1000 watts each. The volume of Marijuana grown is NOT determined by how many plants are grown, it's determined by how many watts per square foot are being used. On average, one 1000w lamp will produce between 1 – 1 ½ pounds of usable product, depending on the strain used as well as the expertise of the grower.

With that in mind, please consider the following;

### **C-1 (Neighborhood Commercial District)**

Limit up to 24 lights and require odor control, safety & fire inspections

### **C-3 (Highway Commercial District)**

Limit up to 49 lights, require odor control, safety & fire inspections

### **(I-1 & I-G Industrial Park District/Light Employment District)**

Limit up to 99 lights, require odor control, safety & fire inspections, environmental Inspections

If you would consider the number of lights as a guideline, you'll find that it will be easier to address other aspects of the dispensary/grow sites. For example, in the C-1 district there would be smaller

grow sites, therefore less traffic, less people involved in "processing" product, less refuse/waste of product, nutrients, soils, etc. In the C-3 you would have a greater volume then the C-1, but not on the level you would see in the I-1 & I-G. You also have to take into consideration the amount of power these garden sites will be using depending on the number of lights in any one garden.

Having been involved with legal, registered gardens in Mendocino County, Ca for 10+ years, in my opinion it's much more important to focus on the number of lights allowed compared to the number of plants allowed. I believe this is one of the reasons they have so much abuse in California & Colorado. The growers know this "loophole" and many will take advantage if you don't address this. If you grow 12 plants under 1 light you will get up to 1 ½ lbs of usable product. Those same 12 plants under 10 lights will produce up to 15 lbs.! Those are the facts, and I hope you consider this when making the zoning restrictions in Scottsdale.

Respectfully,  
Leonard A Bergstein

## Lebovitz, Brandon

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From: Wauwie, Kira  
Sent: Wednesday, December 01, 2010 8:23 AM  
To: Lebovitz, Brandon  
Subject: FW: zoning 203 Scottsdale

For the file.

-----Original Message-----

From: marvin borsand [<mailto:drborsand@hotmail.com>]  
Sent: Tuesday, November 30, 2010 11:02 PM  
To: Wauwie, Kira  
Subject: zoning 203 Scottsdale

Thank you for the presentation last evening, I have a couple of suggestions.

--Being that the provisions of 203 require that the dispensaries/ cultivation be a non-profit organization --That safety for the community is a priority --for convenience to the patient is desirable --cost of the medication should be as low as possible

zoning will effect each one of the above points.

My thought is having a dispensary and cultivation center be in the same or directly adjacent location in a commercial location would satisfy the above points. Being a non-profit organization keeping costs down will be necessary to stay open. By keeping the medication in as few hand as possible there is less chance for diversion. So having one facility it will be easier to keep secure then two locations. Not unlike a pharmacy location, easily accessible, lots of parking in a safe location on a main streets. Being that the mission is to provide medication to those with various chronic approved conditions the cost of the medication is not covered by insurance. It is important to keep costs reasonable. By having the dispensary and cultivation in one location the overhead is cut nearly in half.

I thank you for taking the above into consideration

Regards,

Marvin Borsand, D.O., FACOS, FAACS

## Lebovitz, Brandon

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**From:** Wauwie, Kira  
**Sent:** Tuesday, November 30, 2010 2:53 PM  
**To:** Lebovitz, Brandon  
**Subject:** FW: As requested, possible CUP guideline recommendation

For the file.

**From:** Venker, Steve  
**Sent:** Tuesday, November 30, 2010 2:53 PM  
**To:** Wauwie, Kira; Curtis, Tim; Bloemberg, Greg  
**Subject:** FW: As requested, possible CUP guideline recommendation

FYI. This is information that comes from one of the Prop 203 open house attendees. Steve V.

**From:** The Green Leaf AZ [<mailto:thegreenleafaz@gmail.com>]  
**Sent:** Tuesday, November 30, 2010 1:43 PM  
**To:** Venker, Steve  
**Subject:** As requested, possible CUP guideline recommendation

Steve-

It was a pleasure meeting you yesterday. As I mentioned, I'm heavily involved in the industry in addition to my commercial development experience here in the Valley. I would be happy to help out any way I can. Whether it's through my network or acquired knowledge, whatever you see fit.

So, the common elements that kept coming up during my due diligence are reflected below and could be used as a guideline when evaluating a project's CUP app (allocate points based on a 100 pt scale):

- Non-profit operating plan (including policies for low-income patients & projected income)
- Record keeping and security protocol
- The staffing plan (including community relations contact person - every dispensary should have a point man dedicated to the community)
- Non-profit and/or for profit business experience
- Reliable supply AND Quality supply (plans, procedures, etc)
- Growing area security plan
- Patient Education

I will also be there tonight.

Shadi Zaki  
*The Green Leaf Magazine*- A Free, Professional Educational Resource for Arizona

## Lebovitz, Brandon

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**From:** Wauwie, Kira  
**Sent:** Tuesday, November 30, 2010 12:33 PM  
**To:** Lebovitz, Brandon  
**Subject:** FW: medical pot

For the file.

**From:** Keith Alvar [<mailto:keith.alvar@gmail.com>]  
**Sent:** Tuesday, November 30, 2010 12:04 PM  
**To:** Wauwie, Kira  
**Subject:** medical pot

Scottsdale planning commission,

Please consider dispensing medical marijuana only in licensed pharmacies. Pharmacies are already licensed to dispense marinol, which is marijuana in a pill form. If this is not the direction we are going to take I propose we limit the dispensaries to commercial areas away from schools and neighborhoods. I would suggest the scottsdale airpark. I would also raise concern with the security of the dispensaries and the backgrounds of the owners and employees . Marijuana should not be grown in homes since there would be only limited restrictions. Our police department is taxed enough without having to worry about issues relating to unregulated pot dispensaries and home growth.

Thank you for your time Keith B. Alvar (resident)

Lebovitz, Brandon

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From: mlbcopp@cox.net  
Sent: Monday, November 29, 2010 5:43 PM  
To: Projectinput; Lebovitz, Brandon  
Subject: Medical Marihuana

I think that medical marihuana and paraphernalia should be sold at licensed pharmacies only ,as any other medication. I also do not think either that its sale should be tax exempt. Allowing dispensaries or boutiques will create future problems such as why then an adult store cannot sell viagra? Leave medications to licensed pharmacists.  
Thank you, Luisa Copp

Luisa Copp

[mlbcopp@cox.net](mailto:mlbcopp@cox.net)

This message was feedback from the following web page:  
<http://www.scottsdaleaz.gov/projects/openhouse.asp?SourceId=0&EventID=11773&EventMode=View&EventOccurrence=0>  
11/29/2010 5:42:53 PM

24.251.87.152 Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 6.0; Trident/4.0; SLCC1; .NET CLR 2.0.50727; .NET CLR 3.5.30729; .NET CLR 3.0.30729; OfficeLiveConnector.1.4; OfficeLivePatch.1.3) sessionID: 0

**Wauwie, Kira**

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**From:** Nicholas DeDona [ndedona@asu.edu]  
**Sent:** Thursday, December 02, 2010 3:23 PM  
**To:** Wauwie, Kira  
**Subject:** Please consider my input regarding 8-TA-2010  
**Attachments:** zoningguidelinesNmmd.docx

Kira,

I hope you received my voice mail.

Please read my attached research regarding your previous open house meeting. I hope you will contact me for future involvement.

Thank you,

Nicholas DeDona  
Arizona State Univeristy  
Urban Planning

Kira Wauwie,

I am a studying urban planner, and practicing in public participation. As a student at Arizona State University, I really enjoyed your open house meeting regarding the zoning revisions for NMMD. I hope you will involve me in future discussion regarding the Zoning Ordinance Update for medicinal marijuana.

I understand that this change may come as a shock to many people. It is important to remember that people are willing to except change as long as it is not detrimental to their daily routine. Legalization of medicinal marijuana is not a drastic change. After all, people looking for pot have always been able to find it. This revision is a chance for innovation and the beginning of a new market for real estate and small business investors. In this economic down fall, the growing and distribution of NPMM can increase land values and subsidies unused land.

As an unbiased third party, I hope to help you and the City of Scottsdale with this Zoning Ordinance Update.

**Let's not rush into over regulating the cultivation and dispensary of NPMM. -**

Take time think to about all the positive benefits of NPMM starting with:

- Now patients can get their marijuana legally to cope with their illness.
- People no longer need to search for marijuana in dangerous or threatening locations.
- Marijuana will be regulated to ensure healthy and safe medication to help cope with illnesses.
- Remember Marijuana is not a cure, but a dependency people count on to help cope with their problem.

While examining Prop 203 you will find broad boundaries that want to make NMMD a convenient for patients. With only a few cultivation centers and dispensaries developing in Scottsdale it is better to take propositions for future sights at a case by case basis.

**Here are some brief ideas and observations I heard in the meating.**

- It is **Store owner Choice**- what their image is as a distribution center (Profesional White coat, or free spirit).
- It is **Customer Choice**- where they go to buy their marijuana.
- Distribution centers may look like Clinics or Planned Parent Hoods or head shops at business owners choice
- **Image of stores** will regulate themselves. If people don't like to buy there then they won't.
- As opposed to where they are buying it now
- People are ok with change as long as it is not drastic change to everyday life

#### MANAGING WASTE

- Contaminants and waist will be picked up and handled by waste management.
- Not pose threat to environmentally sensitive land with help from waste management



- WE must have short delivery routes from growers to distributors. (For economic, environmental and safety purposes)

### ETHICS

- **Growers cannot distribute, and distributors cannot prescribe**
- Growers and distributors will locate close to main corridors such as Scottsdale-Rural  
This will help for coordinating plans between cities. Help control and organize ... **Regulate with order and organization**
- No entry without accompanied ID holder
- Distributors have no need to grow. If a distributor cannot grow enough to sustain demand then they should not be growing at all
- Regulating the quality of the drug, means that micro managing over many small grow houses is not possible
- The marijuana needs to be inspected to ensure medicinal quality. Growing plants needs to be left to the harvesters to make sure unqualified marijuana is not entering the market.
- Quality needs to be inspected at different rates and concerns to allow efficient market flow.
- Distributors need to be supplied by the same cultivators.
- Day to day Procedures are low key and un-disturbing to current lifestyle

### SOME INNOVATIVE OPTIONS

- R-1 houses are distributed far apart at distances that do not impose on neighbors
- Leasing empty lots in low density developments will keep procedures low key.
- 1 and 2 year leases will help establish medicinal marijuana and get it to the market.
- After cultivation centers have established themselves the land can continue its use or go back to previous residential state, open to build on.
- Contributing Scottsdale growers can remain in the high desert away from the **Urban Heat Island**
- A quiet 1000sqft. operation will not pose any disturbance or scent, when isolated in the Arizona desert.
- Allow property owners to lease empty lots in secure areas for cultivation centers
- Gated communities have \$1,000,000 two acre lots currently selling way under market value.
- Grow Houses 1000sqft. On 1-2 acre lots. Increase the value of the land.
- **Optimizing Land Value**

Thank you for allowing me to get involved. I would greatly appreciate an invitation for future participation. I understand that while building a career in city planning, experience is everything. I know my innovative thinking and fresh mind can help during this process, please allow me to help with this Zoning Ordinance Update and perhaps future projects to come.

Nick DeDona (480) 586-4096

## Wauwie, Kira

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**From:** Court Rich [CRich@roselawgroup.com]  
**Sent:** Friday, December 03, 2010 10:37 AM  
**To:** Wauwie, Kira  
**Cc:** Nick Labadie; Hopi Slaughter; Melissa Johnson; Chris Clonts  
**Subject:** Follow up on traffic counts for dispensaries

Kira, Thanks so much for meeting with me the other day to discuss the medical marijuana ordinance issues. You had discussed some issues related to potential trips per day and the lack of information on the generation for the use. Here is some analysis we did that could help:

Estimates are that there could be 200,000 patients and 120 dispensaries in AZ. This equates to 1,666 patients per dispensary. Considering two trips per month to purchase the product (only allowed to purchase every two weeks), the total trips generated would be 3,332 per month. Dividing that number by 30 days the average **Trips per Day** calculation is **111**.

Next we referenced the Trip Generation book from the institute of transportation engineers to find "like" uses. We referenced common uses that are adjacent to residential – Convenience Store (without gas and only open 15-16 hours [mirror time limits on dispensaries]), non-drive thru pharmacy, and a walk-in bank.

**Convenience Store** – average TPD is 215 for a 3,000 sqft building

**Pharmacy** - 900 TPD @ 1,000 sqft

1,150 TPD @ 1,300 sqft.

**Walk-in Bank** – 90 TPD @ 4,200 sq.ft

115 TPD @ 5,300 sq.ft.

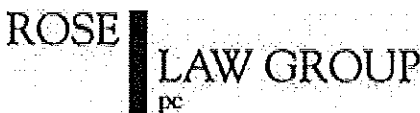
Based on the overall average trips per day it would seem that a walk-in bank would be closest to a dispensary.

This 200,000 patients number is a pretty high number frankly as the group promoting the initiative estimated 66,000 in the first year and the State has been working off that number as well. Assuming a total population count of 66,000 then the average dispensary would see 550 patients. Assuming they visit twice a month the average trips per day for each dispensary would be 36.

$$550 \times 2 = 1,100 / 30 = 36.6$$

I hope this info helps you in your analysis of impact of the use. Let me know if I can answer any questions for you.

**Court S. Rich**



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Direct: 480.505.3937  
Fax: 480.505.3925  
Mobile: 602.741.3794

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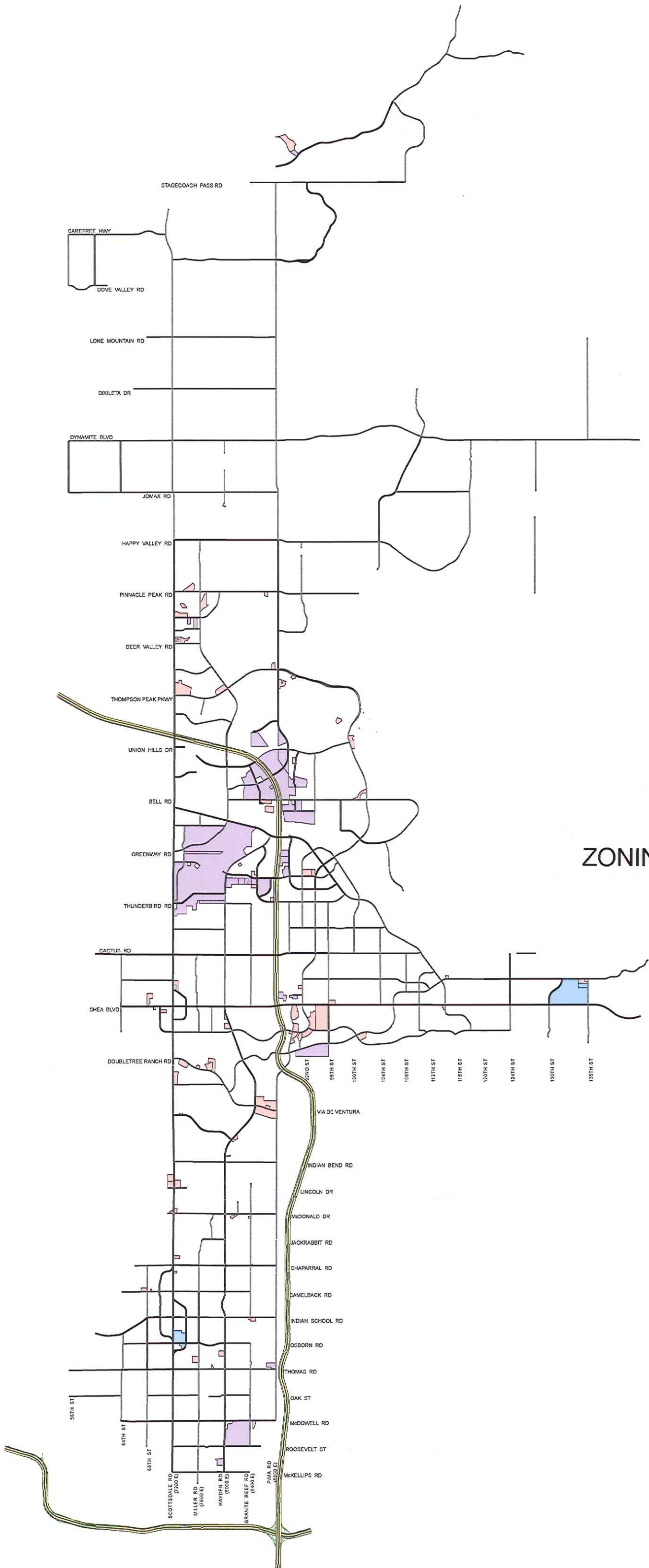
*RLG is Service*

*Winner "Best places to work in Arizona"*

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














Think green, please don't print unnecessarily



8-TA-2010  
ZONING LOCATION MAP

Legend

| Zoning  |                  |
|---|------------------|
| ZONING_COD  |                  |
|  | C-O              |
|  | C-O (C)          |
|  | C-O (C) PCD      |
|  | C-O (C)/P-4      |
|  | C-O DO           |
|  | C-O ESL          |
|  | C-O ESL (HD)     |
|  | C-O PCC PCD      |
|  | C-O PCD          |
|  | C-O PCD ESL      |
|  | C-O PCD/P-4      |
|  | C-O S-C ESL      |
|  | C-O S-C ESL (HD) |
|  | C-O/C-2          |
|  | D/M-2 SC DO      |
|  | I-1              |
|  | I-1 (C)          |
|  | I-1 ESL (HD)     |
|  | I-1 PCD          |
|  | I-1 PCD ESL (HD) |